Proceedings of the Council

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FOR THE PURPOSE OF

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No. 575—300—19-2-97.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met at the Council Chamber on Saturday, the 29th February, 1896.

Present:

The Hon'ble SIR ALEXANDER MACKENZIE, K.C.S.I., Lieutenant-Governor of Bengal, *presiding.*

The Hon'ble SIR CHARLES PAUL, K.C.I.E., Advocate-General.

The Hon'ble H. J. S. COTTON, C.S.I.

The Hon'ble D. R. LYALL, C.S.I.

The Hon'ble C. A. WILKINS.

The Hon'ble J. A. BOURDILLON.

The Hon'ble C. E. BUCKLAND, C.I.E.

The Hon'ble H. H. RISLEY, C.I.E.

The Hon'ble M. FINUCANE.

The Hon'ble RAI DURGA GATI BANERJEA BAHADUR, C.I.E.

The Hon'ble NAWAB SYUD AMEER HOSSEIN, C.I.E.

The Hon'ble SURENDRANATH BANERJEE.

The Hon'ble J. G. WOMACK.

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR.

The Hon'ble A. M. BOSE.

The Hon'ble GURU PROSHAD SEN.

The Hon'ble MAHARAJA BAHADUR SIR RAVANESHWAR PROSHAD SINGH, K.C.I.E., OF GIDHAUR.

NEW MEMBERS.

The Hon'ble MR. C. A. WILKINS and the Hon'ble MR. M. FINUCANE took their seats in Council.

STATEMENT OF THE COURSE OF BUSINESS.

The Hon'ble THE PRESIDENT said:—"It is usual at the commencement of a Session for the President to give a general sketch of the projects of legislation likely to come before the Council. I had hoped that I should have found as few projects of legislation as possible to lay before the Council, but as is

always the case in a large province like this, matters crop up which have to be taken into consideration by the legislature, and there are, moreover, legacies which we receive from the preceding administration. There are, however only two projects of law of what I may call primary importance which are likely to engage the attention of the Council; and these are, first, a Bill to amend the law relating to the partition of estates. This question has been under the consideration of the Government of Bengal for the last four years; there have been repeated references to the Government of India and much discussion has taken place in regard to the principles of the measure. The Bill has again gone before the Government of India and has not yet been finally settled, but I anticipate that we shall shortly receive orders which will enable us to lay it before the Council.

"The second measure of large scope is an amendment of the law relating to excise in Bengal. This Bill will repeal the existing Excise Act and make various amendments in the excise system of the province, based on the law at present in force in Madras and Bombay, especially as regards the manufacture of *tari*. I regret much that this Bill will not come before the Council till we lose the services of the Hon'ble Mr. Lyall, who has had much to do with framing it, and whose advice in connection with it in Council would have been very valuable. But I hope, notwithstanding, that we shall be able to model the Bill into a satisfactory measure before we have done with it. It has not yet received the assent of the Government of India. The principles of it are to some extent still under discussion, but it is pretty certain that it will be brought forward some time in the course of the year, and I therefore thought it right to refer to it.

"There is also on the *tapis* a small Bill amending the law of excise in salt in Bengal. The object of this Bill is to afford greater facilities to trade, and it will also deal, to some extent, with the illicit manufacture of salt in Midnapore and the 24-Parganas, but I do not anticipate that it will be a large measure, and it will probably be some little time before we shall receive the assent of the Government of India to its introduction.

"The other measures are most of them really small. There is one Bill to regulate the procedure for the commutation of predial services in Chota Nagpur. This is purely a local measure, and in discussing it, we shall have the advantage of the assistance of Mr. Grimley, the Commissioner of that Province, who has

[*The President.*]

for a long time been acquainted with its conditions and circumstances. This is not in any sense a contentious measure.

"Then, we have two small Bills to amend the Local Self-Government Act and the District Municipal Act. They are very small measures. The main object is to empower District Boards to devote some portion of their funds, should they see fit to do so, to provide for a veterinary staff and veterinary hospitals within their jurisdictions. When we remember the vast importance to agriculture in Bengal, which attaches to the maintenance in sound health of agricultural stock, I think we shall all feel that the Government of India has done well to ask us to bring our Acts into a line with those of other Provinces in this respect. There will be no attempt to force expenditure under this head upon local bodies, but it is very desirable to empower them to incur such expenditure if they see fit, and it is also very desirable to have an outlet for the veterinary students at present being trained in the Veterinary College close to Calcutta. The opportunity will probably be taken in connection with the District Municipal Act to make at least one small amendment. The section dealing with the franchise is at present unintelligible to me at least, and I believe also to those who have to work it. There has been found some flaws in the drafting of these Acts which it is very desirable to amend. I shall also have to ask you to pass a small measure to amend some drafting errors in the Public Demands Recovery Act. These errors certainly ought not to have occurred, though I am told that these and some other flaws are due to the Council being rather hurried in the final disposal of these Bills. I think I can promise the Council that in future we shall not hurry. It is of the utmost importance that when a Bill comes to its final stage in this Council, opportunity should be given to those who are responsible for it to closely examine its provisions in order to see whether the Bill, as it then stands, is technically and literally correct. I feel the less shame in making this confession, because we have discovered lately that the Supreme Council also has not been able to avoid errors of this description. The Bill to amend the Presidency Small Cause Court Act stands exactly on all fours with the Public Demands Recovery Act Amendment Bill.

"Then, there will be a small measure to amend the Calcutta Municipal Consolidation Act, undertaken at the request of the Municipality, to meet the case of Insurance and other Companies carrying on their business through agents in Calcutta, who, by a recent decision, are considered by the High Court to be

excluded from the purview of the schedule in the Act. I do not anticipate that any other amendments will be incorporated in the Bill, which will probably be a non-contentious measure.

"These are all the measures which we have at all elaborated up to the present date, but I think it right to mention that I shall very probably lay before you, if the Government of India agree, a measure for the amendment of the Tenancy Act. Chapter X of that Act was intended to provide a settlement procedure which would be applicable both to private and to Government estates, but experience has shown that while it may be possible to work that Chapter in dealing with small settlements, when you come to large operations, such as the Government is at present carrying on in Orissa and elsewhere, it is almost impossible to apply that procedure without an enormous amount of delay and expense. Settlement Officers find themselves hampered on every side by having to treat each raiyat's settlement as a separate judicial case. That is not the procedure by which settlements are conducted in other parts of India. We have, in conference with a number of revenue officers in the Settlement Department, come to the conclusion that if such settlements, as that now being carried on in Orissa, are to be carried through within a reasonable time and with a minimum amount of trouble and expense both to the zamindars and the raiyats, it is absolutely necessary that some amendment should be made. My own wish will be to confine the measure within as reasonable limits as possible. It is very dangerous to touch a large measure like the Bengal Tenancy Act, as in attempting to do so we may start a fresh rent agitation in Bengal, and I am not ambitious to do so. I hope we shall be able to suggest, after consultation with the Government of India, such a reasonable measure as will enable us to do our business without doing any harm to any private interests. If it appears that it is possible to suggest such a reasonable amendment of certain other portions of the Tenancy Act, as will make the Act workable where it is not workable at present, I shall take the orders of the Government of India on those points. But at present the one thing clear to my mind is that, for the purposes of settlement, we must have a workable procedure, and I should wish to employ that procedure not only for the benefit of Government estates, where the revenues of the Government are under revision, but for the benefit of private landlords as well. That is the principle of the present Act, and it is the principle I propose to carry out in the

project of legislation which is under contemplation, the only difference being that we shall endeavour to make the Act workable.

"These are all the measures with which we are likely to trouble you in the course of the year. I cannot say precisely when we shall be able to introduce the larger measures; possibly we shall not be able to do anything with them before the rains, but we hope to be able to introduce the smaller measures in the course of a week or two. All I need further say is that I feel sure that in dealing with them the Bengal Council will vindicate its old reputation, when I knew it last, of being a thoroughly businesslike body. We do not come here to air our rhetoric or to hear long speeches, but we meet together to discuss, like business men, important measures in a businesslike way. I shall give the utmost consideration to the views which may be urged by Hon'ble Members, and I shall take care that they are not rushed in any way in any matter of importance which requires calm deliberation. It is extremely desirable that our work should be well done, and thoroughly done, and that it should not require tinkering shortly after."

RECOMMENDATIONS BY BENGAL PROVINCIAL COMMITTEE OF EDUCATION COMMISSION.

The Hon'ble MR. A. M. BOSE asked—

(*a*) Will the Government be pleased to state if any steps have been taken to carry out the following recommendations which were unanimously adopted in the year 1882 by the Bengal Provincial Committee of the Education Commission, which comprised amongst its members Sir Alfred Croft, Sir David Barbour, and others:—

(1) That some "Graduate Scholarships" should be established with a view to their being awarded on the result of the B.A. Examination, these not being tenable together with any private scholarship, where such existed.

(2) That the establishment of an Educational Library and Museum at the Central Office in Calcutta would be of considerable utility, as showing what has been and is being done in the production of books and other means and appliances in the work of education

in different countries; and that such institutions might be subsequently extended to the head-quarters of each Division.

(3) That a teachership examination should be instituted for the improvement of teachers in English schools, and that this would probably lead in time to the establishment of definite courses of instruction in the theory and practice of teaching.

(*b*) Should these recommendations not have been carried out? Will the Government be pleased to take them now into its favourable consideration, and adopt steps to give practical effect to them?

The Hon'ble MR. BUCKLAND replied:—

Answer to Question No. I (*a*) (1):—

"Since the date of the Education Commission's Report, two Mohsin graduate scholarships of the value of Rs. 25 a month, tenable for one year, and three Madrassa graduate scholarships of Rs. 20 a month each, tenable for one and-a-half years, have been created; the cost of the former being paid from the income of the Mohsin Endowment Fund, and that of the latter from Provincial Revenues. In the face of other and more pressing claims upon the public purse, there appears to the Government to be no special need for establishing more scholarships of this class, in addition to those which have been founded by private endowments for the benefit of graduate students of the Presidency College."

Answer to Question No. I (*a*) (2):—

"It is believed that an Educational Library and Museum of reference, containing (1) a complete set of works on the history and the theory and practice of education, (2) the school-books and other educational publications brought out in England and America from year to year, (3) school appliances of any kind and of the latest construction and pattern, would be of some and might, if they would make proper use of it, be of considerable advantage to those engaged in education. Such a library and museum would, however, require a large amount of space for its proper accommodation. There is not, as the question suggests, any room for this purpose at the Central Office of Education; and to build such a museum elsewhere would involve large outlay. A Curator

and some small establishment would be necessary, and a not inconsiderable annual grant would be required for the purchase of new books and school appliances. Altogether the Lieutenant-Governor, while recognising the utility of the project, is unable to assign a foremost place to the proposal for carrying it out."

Answer to Question No. I (*a*) (3):—

"The Lieutenant-Governor has very recently sanctioned a proposal of the Director of Public Instruction for making provision for the instruction of English teachers in training schools, for the examination of those who have not passed through a training school, and for the award of certificates of different grades to English teachers of both these classes. The sum of Rs. 20,000 has been entered in the Budget for 1896-97 for this purpose."

Answer to Question No. I (*b*):—

"The previous answers show what has been done to carry out the recommendations referred to, and Government is not prepared to take further steps at the present moment."

INTERFERENCE WITH PROCEEDINGS OF SUBORDINATE MAGISTRATES.

The Hon'ble Mr. A. M. Bose asked—

(*a*) Has the attention of the Government been drawn to the correspondence which passed between Mr. Parbati Charan Roy, a senior Deputy Magistrate of distinguished merit now retired, and the District Magistrate of 24-Parganas, which has been recently published in the November number of *India* and quoted in several Indian papers? Does the Government consider such interference on the part of District Magistrates with the proceedings of Deputy Magistrates in their purely judicial capacity, either before or after the passing of judgment, as desirable or conducive to the preservation of any feeling of self-respect or of judicial independence on the part of the latter officers?

(*b*) Will the Government be pleased to lay before the Council the express direction by Government, referred to in the letter of the District Magistrate, and to state whether such or any similar direction is still in force?

(*c*) Has the attention of the Government been drawn to several other instances of interference, or attempts at interference, on the part of the executive authorities with the proceedings of subordinate Magistrates, mentioned by Mr. Monomohan Ghose from personal knowledge, in the interview with him published in the number of *India* for last December (*vide* pages 362, 363)?

(*d*) Having regard to the serious character of such interference and its consequences as affecting the administration of criminal justice throughout the Province, will the Government be graciously pleased to direct that in future any cases of punishment which is really inadequate may be dealt with by reference to the High Court in accordance with the provision of law made expressly in that behalf by the Legislature, and not in the indirect way as shown in the correspondence referred to?

The Hon'ble MR. COTTON replied:—

"(*a*) The attention of the Lieutenant-Governor has been drawn by the Hon'ble Member's question to the correspondence between Mr. Parbati Charan Roy, formerly Deputy Magistrate and Deputy Collector, and the District Magistrate of the 24-Parganas, which is published in the November number of *India*. In the absence (on leave) of the District Magistrate referred to from this country, the Lieutenant-Governor has not been able to call upon him for any explanation, or to ascertain the circumstances under which his letters were written. The correspondence appears to have taken place some years ago, but if the Magistrate's letters were written as they are reported, the Lieutenant-Governor cannot but consider that they are open to serious objection.

"(*b*) The express direction by Government, referred to by the Magistrate, is not quoted, but His Honour apprehends that allusion was made to the following remarks recorded in the published Resolution on the Annual Police Report for 1890:—

'12. *False cases.*—* * * The Lieutenant-Governor has examined the records of a great number of these cases, and has found that they entail a great deal of useless and unremunerative work on the Deputy Magistrates. He considers that prosecutions should only be instituted where cases are deliberately and malignantly false, but that when such cases are proved, severe punishment should be inflicted. The recent amendment of section 250, Criminal Procedure Code, which allows compensation up to Rs. 50 to be given in all

cases where frivolous or vexatious charges are made, should meet all the more venial cases.'

"The Lieutenant-Governor does not propose to modify these orders, which do not justify the inference which appears to have been drawn from them by the District Magistrate.

"(*c*) The attention of the Lieutenant-Governor has been drawn by the Hon'ble Member's question to the account of the interview with Mr. Monomohan Ghose, which is published in the December number of *India*, and His Honour has read the statements referred to, but he is unable to verify them, as no names, dates or places are given.

"(*d*) The Lieutenant-Governor does not approve of any executive interference with the independent administration of justice, and he agrees with the Hon'ble Member that, if there is reason to believe that a sentence which is really and seriously inadequate has been passed, it should be dealt with by the High Court under the provisions laid down in the Code of Criminal Procedure for the purpose. He understands that in fact this is the practice generally followed. At the same time it is certainly the duty of the District Magistrate to keep himself acquainted with the proceedings of his subordinates of all grades, to call their attention to irregularities and delays in the disposal of their case-work and to give his subordinates the benefit of his advice. This does not of course warrant his dictating to any subordinate what his finding should be in any particular case."

TRANSFER OF CHITTAGONG DIVISION TO ASSAM.

The Hon'ble Mr. A. M. Bose asked—

Will the Government be pleased to state if there is any truth in the reports which have appeared in the newspapers, in regard to the separation of the districts of Tippera, Noakhali, and Chittagong from Bengal, with a view to their incorporation in the Province of Assam; and if so, the reasons which have influenced the Government to recommend such separation?

Is the Government aware of the feeling of alarm and grave anxiety which has been roused by such reports in the districts concerned; and would it be pleased, in the interests of a large section of the population of this Province,

to allow time before the proposal for separation is carried out, for representations to be received from the people of these districts and for their proper consideration?

The Hon'ble BABU GURU PROSHAD SEN asked—

(*a*) Is the Government aware that a report that the Chittagong Division is to be transferred to Assam is at present causing a good deal of anxiety to the people of that Division? Will the Government be pleased to state whether there is any truth in the report?

(*b*) If the transfer be really contemplated, will the Government be pleased to order the publication of all the correspondence on the subject, and if it cannot do so without the permission of the Government of India, obtain such permission for the purpose?

(*c*) As the transfer is calculated to affect injuriously some of the rights of the people of that Division, specially one in relation to this Council, will it please the Government to move that nothing be done in the matter till the people affected have an opportunity of representing their views on the question of such transfer?

The Hon'ble MR. COTTON replied:—

"It will be convenient that I should answer the questions from both Hon'ble Members on this subject together. The proposal to transfer the Chittagong Division to Assam was put forward in a Conference which met in Calcutta in January, 1892, to examine certain questions relating to the country of the Lushai and Chin tribes. It was suggested that if the South Lushai Hills, with their avenues of access through the Chittagong district, were transferred to Assam, as was strongly recommended, it would be convenient that the whole Chittagong Division should be also transferred, and it was pointed out that an additional argument in favour of the transfer was that the projected Assam-Chittagong Railway would then be entirely in the Assam jurisdiction. The Government of India decided that the Chittagong district ought to be transferred to Assam with the South Lushai Hills as soon as the settlement operations in progress had been brought to an end. As these operations are approaching completion, and as the Chittagong Railway now connects Chittagong directly with Assam, the question of the transfer of the Chittagong Division to Assam

has lately been referred to this Government. The Lieutenant-Governor is quite aware that the transfer of territory from one administration to another cannot be a matter of indifference to the people of the tract affected, and no such transfer will be made without affording them the opportunity of expressing their sentiments in regard to it.

"The papers on the subject of the proposed transfer cannot be published at present, but the substance of them, so far as they bear on this point, is contained in this reply to the Hon'ble Members' questions. The High Court, the Board of Revenue, and the Commissioner of the Chittagong Division have now been officially consulted on the proposal."

PUNISHMENT OF WHIPPING ON CERTAIN OFFENDERS.

The Hon'ble MR. A. M. BOSE asked—

(*a*) Has the attention of the Government been drawn to a Circular alleged to have been issued by the Commissioner of the Patna Division and published in the *Behar Times* of the 27th December last, on the subject of inflicting the punishment of whipping on offenders? Is the document genuine? If so, does the Government approve that instructions should be issued by executive authorities interfering with the discretion, vested in them by law, of Judicial Officers deciding on the evidence taken before them, and forbidding them to award sentence of imprisonment on offenders of 21 years or under, where an alternative sentence of whipping may be awarded, without special reference to the District Magistrate?

(*b*) Has the Commissioner, or the District Magistrate, any authority to practically deprive a Judicial Officer of the power of inflicting such punishment as to him may seem meet under the circumstances of each particular case tried by him?

(*c*) Will the Government be pleased to state under w. ' provision of the Code of Criminal Procedure, or any other law in force, su. . instruction or prohibition, as is referred to in the Circular, may be issued?

(*d*) Is the reference to the District Magistrate, contemplated in the last sentence of the Circular, to be made privately or by a proceeding on the record? What law or procedure is to regulate the hearing before the District Magistrate

when such a reference has been made; or is there to be no such hearing? Is the opinion of the District Magistrate to be binding on the officer making the reference; or is the latter to be left free to exercise his own judgment; or is the opinion of the District Magistrate itself to constitute *the judgment* in the case?

The Hon'ble MR. COTTON replied:—

"The Lieutenant-Governor has placed himself in communication with the Commissioner of Patna, and has ascertained that the Circular referred to is a genuine one. The object of the Circular, which is to discourage the imprisonment of juvenile offenders in cases in which whipping is a more appropriate punishment, is a laudable one, but the Lieutenant-Governor cannot approve of the character of the instructions issued. In the first place it is clear from the provisions of section 392 of the Criminal Procedure Code that the expression 'juvenile offender' is intended to apply to an offender under sixteen years of age, whereas the Commissioner's Circular applies to offenders of twenty-one years of age and under. Moreover, although under the Code of Criminal Procedure the District Magistrate has full authority to call for and examine the records of any cases on the file of his subordinates, it is not contemplated that he should dictate the punishment to be inflicted in any particular case. The Lieutenant-Governor considers that the Commissioner's Circular is likely to be misunderstood by the Magistrates whom it affects, and he has therefore directed that it should be withdrawn.

"The Lieutenant-Governor has also pointed out that general Circulars of this nature affecting the procedure of Subordinate Magistrates should not be issued by Commissioners without the sanction and approval of Government."

THE BETEL-NUT CONTEMPT CASE.

The Hon'ble MR. A. M. BOSE asked—

(*a*) Has the attention of the Government been drawn to a case recently decided by the Calcutta High Court from the Patna Divison and reported in the *Amrita Bazar Patrika* of the 20th December last, under the heading "The

[*Mr. Bose; Mr. Cotton.*]

Betel-Nut Contempt Case," in which the Hon'ble Judges expressed their strong disapproval of the sentence of whipping passed in that case on a boy of 14, occupying a good position in society, even if the facts had been correctly found by the Joint-Magistrate, which they were not, in the opinion of the High Court?

(*b*) Is it the practice to carry out a sentence of whipping at once when whipping is awarded in lieu of any other punishment?

(*c*) Is this so in such cases even where there is a right of appeal to the accused (as for instance when the trying officer is a Magistrate of the second class), the effect of the appeal being thus only to ascertain the correctness or otherwise of a sentence already irrevocably carried out?

The Hon'ble MR. COTTON replied:—

"(*a*) The attention of Government has been drawn to the case referred to.

"(*b*) It is laid down in a Circular issued by the Bengal Government on the 25th January, 1876, that 'in all cases in which whipping is the sole punishment awarded, all judicial officers should make arrangements for having it carried out at once at the Magistrate's office in communication with the Civil Surgeon or the native doctor of the station.' Those orders are still in force and regulate the practice now followed.

"Under sections 413 and 414 of the Criminal Procedure Code there is no appeal in a case in which a sentence of whipping only is passed by a Magistrate of the first class. An appeal does lie against a sentence of whipping passed by a Magistrate of the second class, who has been duly empowered to inflict whipping, but there is no provision in the law under which a person so sentenced can be detained in custody until the appeal has been decided. It has been ruled by the High Court that in such cases the sentence should be carried out without delay, and that the effect of the appeal in such cases will merely be to ascertain the correctness of a sentence already carried out. This is a matter in respect of which the Lieutenant-Governor would be glad to see the law amended."

SENTENCES OF WHIPPING BY JOINT-MAGISTRATES OF SIRAJGANJ AND ALIPORE.

The Hon'ble MR. A. M. BOSE asked—

(*a*) Will the Government be pleased to inquire into the correctness of the allegation made in the *Sanjibani* of the 23rd November last, that a sentence of whipping was awarded by the Joint-Magistrate of Sirajganj, which sentence could not be carried out, as there was no one available or willing to inflict it? Is the Government prepared to incur the expenditure for providing the needful establishment, where this is now wanting, for the purpose of inflicting sentence of whipping?

(*b*) Will the Government be pleased to inquire into the correctness of the allegations made in the *Hitabadi* of the 20th December last, to the effect that a whipping of 20 stripes was inflicted on an accused by the order of the Joint-Magistrate of Alipore after that officer had passed a judgment awarding a sentence of 10 stripes only?

The Hon'ble MR. COTTON replied:—

"(*a*) Enquiry has been made into the facts of the case referred to, and it has been ascertained that a sentence of whipping passed by the Joint-Magistrate of Sirajganj (or, more correctly, passed by the second class Magistrate there and confirmed by the Joint-Magistrate) could not be carried out because no one was found able and willing to inflict the punishment. Under the orders of Government, whipping is to be inflicted by the chuprassis attached to the Court. It so happened that at the time the sentence referred to was passed one of the chuprassis attached to the Court had just retired and the other was in bad health and no substitute had been provided for him. The circumstances of this exceptional case do not, in the opinion of the Lieutenant-Governor, call for the entertainment of a special establishment for the purpose of inflicting sentences of whipping.

"(*b*) The facts as stated in the question are substantially correct. The Joint-Magistrate reports that in the first instance the punishment was inflicted in such a superficial and perfunctory manner as in his opinion to fail to give effect to the order of the Court, and he therefore directed that ten more

stripes should be inflicted. This procedure on his part was altogether improper and illegal, and the conduct of the Joint-Magistrate has been severely censured by Government."

COMBINATION OF JUDICIAL AND EXECUTIVE FUNCTIONS IN CHOTA NAGPUR.

The Hon'ble MR. A. M. BOSE asked—

(*a*) Is it the fact that in the Division of Chota Nagpur or in some of its districts, Deputy Commissioners are appointed by Government as Managers of encumbered estates under the provisions of the Chota Nagpur Encumbered Estates Act, and that appeals in suits brought on behalf of such estates for the recovery of rents not exceeding one hundred rupees in amount are also heard by the same officers sitting in their capacity as Deputy Commissioners?

(*b*) Will the Government be pleased to endeavour to remove the inconvenience or want of full confidence in the administration of justice caused by this combination of judicial and executive functions in the same officer by appointing as Managers under the Act gentlemen other than Deputy Commissioners, or otherwise?

(*c*) Has the attention of the Government been drawn to the letter of Babu Manindra Krishna Dutt, pleader of Ranchi, which appeared in the *Indian Mirror* of the 8th January last on this subject?

The Hon'ble MR. BUCKLAND replied:—

"(*a*) The districts comprised in the Chota Nagpur Division are—(1) Manbhum, (2) Singhbhum, (3) Hazaribagh, (4) Lohardaga, and (5) Palamau, and the number of estates in each district, managed under the Encumbered Estates Act, VI of 1876, as shown in the Report of the Board of Revenue on the Administration of Wards' and Attached Estates for the year 1894-95, is as follows:—Manbhum 7, Singhbhum 3, Hazaribagh 12, Lohardaga 30, Palamau 6—total 58.

"In each of these districts, except Palamau and Singhbhum, there is a General Manager specially appointed for encumbered estates, who is also entrusted

with the management of Wards' estates; but for large estates, like Pachete in Manbhum, Dhalbhum in Singhbhum, and Dhanwar in Hazaribagh, a Special Manager is appointed. The Deputy Commissioner exercises a general control over the Manager in his district, but is not appointed as the Manager, except in the case of the Barabhum estate in Manbhum and certain estates in the Palamau district, of which the Deputy Commissioner is nominally the Manager, with a Sub-Manager really doing the work of Manager employed under him.

"There are two different laws in the Chota Nagpur Division for suits between landlord and tenant, viz., *firstly*, Act I (B.C.) of 1879, which is in force in Hazaribagh, Lohardaga, Palamau, and Singhbhum; and, *secondly*, Act X of 1859, as amended by Act VI (B.C.) of 1862, in force in Manbhum.

"Rent suits under Act I (B.C.) of 1879 are cognizable by the Deputy Commissioner (section 37) and, under his orders, by Deputy Collectors (section 133). By section 137 of this Act there is no appeal from the decision of the Deputy Commissioner in cases where the amount sued for does not exceed Rs. 100, unless the decision involves some question of right or title. In other cases (section 144) appeals against the Deputy Commissioner's decisions lie to the Judicial Commissioner or, if the value of the suit exceeds Rs. 5,000, to the High Court. Under section 139 cases tried by Deputy Collectors are appealable to the Deputy Commissioner. Sections 23, 153 and 155 of Act X of 1859 contain similar provisions for the cognizance of suits and appeals in Manbhum.

"Enhancement proceedings are not dealt with under section 37, but under the procedure laid down in sections 21 to 24 of Act I (B.C.) of 1879. The person wishing to enhance the rent applies to the Deputy Commissioner to assess the rent, and the proceedings are conducted by a Deputy Collector exercising the powers of a Deputy Commissioner, and an appeal lies from the Deputy Collector's order fixing the rent to the Deputy Commissioner, and from the Deputy Commissioner's order to the Commissioner in every case, irrespective of the amount. The Deputy Commissioner is therefore not the final authority in enhancement cases.

"(*b*) Government are not aware of any inconvenience or want of full confidence in the administration of justice in Chota Nagpur. The arrangements described apply not only to encumbered estates' suits, but also to suits of Wards' and other estates, and not only in the Chota Nagpur Division, but in the

Scheduled Districts generally. The political and economic conditions in these backward districts do not admit of a complete separation of judicial from executive functions in revenue matters.

"(*c*) The letter referred to had not previously been brought to the notice of Government."

MR. NORMAN WARDE-JONES' CASE.

The Hon'ble MR. A. M. BOSE asked—

Will the Government be pleased to state if the enquiry into the case of Mr. Norman Warde-Jones, late Subdivisional Officer of Gobindpur, has been concluded, and with what result; and if not, when the enquiry which has been going on now for some time is likely to be finished?

The Hon'ble MR. COTTON replied:—

"A report from the Commissioner of the Division on the whole case and Mr. Warde-Jones' own explanation have been received. They are now under the consideration of Government."

PROVINCIAL EDUCATIONAL SERVICE SCHEME.

The Hon'ble MR. A. M. BOSE asked—

Will the Government kindly inform the Council when the new scheme of Provincial Educational Service, which is awaited with great interest, is likely to be carried out and its details communicated to the public?

The Hon'ble MR. BUCKLAND replied:—

"The scheme for the reorganization of the Provincial Educational Service was submitted some months ago to the Government of India, and it is understood that the whole question is now before the Secretary of State, whose orders must be awaited."

ELECTION OF REPRESENTATIVES TO BENGAL COUNCIL.

The Hon'ble MR. A. M. BOSE asked—

Having regard to the fact that there were ties in the election of representatives to the Bengal Council from both the groups of District Boards which were invited for the purpose during the last year, and to the further

fact that in one of these two cases the election wholly failed owing to this cause, will the Government be pleased to take steps with a view to prevent the happening of such a contingency in the future by any needful modification of, or addition to, the existing regulations bearing on the subject?

The Hon'ble MR. COTTON replied:—

"The Government will take the necessary steps in this direction."

CERTAIN REMARKS BY COMMISSIONER OF ORISSA DIVISION.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Whether the attention of the Government has been called to the remarks of Mr. Cooke, the Commissioner of the Orissa Division, in his recent Report of the Administration of that Division, published in the *Calcutta Gazette* of the 23rd October last, in which he says that "Institutions like the Gorakhsani Sabha, the Landlord's Association, and the Sanaton Dharmarakshini Sabha were started, more or less, under foreign influence. The people soon tired of what was found to be a somewhat silly form of recreation, and they died of inanition"? Does the Government approve of these remarks in which the formation of *Sanaton Dharmarakshini Sabhas*, which are an object of deep veneration to Hindus throughout these Provinces, is described as "a silly recreation"? If not, will the Government be pleased to direct that these remarks be as publicly withdrawn as they have been publicly made?

The Hon'ble MR. COTTON replied:—

"The Government regret that Mr. Cooke should have used the language referred to, and it was an oversight that it was not excised before publication of his report."

PROSECUTION OF ANU POROMANIK BY SUBDIVISIONAL OFFICER OF SIRAJGANJ.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Has the attention of the Government been called to the proceedings of Mr. Carey, Subdivisional Officer of Sirajganj, in connection with a man named Anu Poromanik, as reported in the *Sanjibani* and other newspapers? Is

it the case that Anu was prosecuted by the Subdivisional Magistrate, as complainant, because he ran with his *kodali* raised towards the Magistrate, who, in going over his field on horse back, happened to trample upon his ripe *maskalye*, and that he was tried by a Deputy Magistrate, who was subordinate to the Subdivisional Magistrate, who sentenced Anu to rigorous imprisonment for two months, that on appeal the District Judge of Pabna, in reversing the sentence, remarked that "the prosecution was ill-advised, that Anu had committed no offence whatever, and that he was well within his rights in protecting his property against the Magistrate, and that, even if any offence had been committed, the Judge was of opinion that the punishment was excessive"? Is it true that Anu suffered imprisonment for twenty-two days under this illegal sentence? Does the Government approve of these proceedings? If not, will the Government pass such orders as the justice of the case may demand?

The Hon'ble MR. COTTON replied:—

"The Lieutenant-Governor has called for a report on the facts of the case referred to in the Hon'ble Member's question, and has ascertained that Anu Poromanik was prosecuted not merely for running towards the Joint-Magistrate with his spade raised, but for calling out, while doing so, to others to unite with him to attack Mr. Carey. The other facts of the case are correctly stated in the Hon'ble Member's question. The case came under the notice of Mr. Nolan, the Commissioner of the Division, and Mr. Nolan in an official letter, dated the 17th June, 1895, to the address of the Magistrate of Pabna, expressed his disapproval of the Joint-Magistrate's conduct and his concurrence with the Judge in holding that the prosecution was ill-advised. The Lieutenant-Governor considers that Mr. Nolan dealt appropriately with the case, and that no further orders from Government are now required. Mr. Carey is a very young officer, who will doubtless profit by Mr. Nolan's reprimand."

CALCUTTA POLICE FORCE.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Will the Government place on the table a complete Gradation List of Superintendents (European and Native) and Inspectors (European and Native) of the first four grades, belonging to the Calcutta Police Force, showing the dates of their first admission to the Force and the dates of their subsequent promotions?

The Hon'ble MR. COTTON replied :—

"The Statement called for by the Hon'ble Member is laid on the table."

STATEMENT OF SUPERINTENDENTS IN THE CALCUTTA POLICE.

Number.	NAME.	Date of first appointment.	SUB-INSPECTOR.		INSPECTOR.						Superintendent.	REMARKS.
			2nd Class.	1st Class.	6th Class.	5th Class.	4th Class.	3rd Class.	2nd Class.	1st Class.		
1	2	3	4	5	6	7	8	9	10	11	12	13
1	C. R. Hill ...	.....	.....	.....	.....	.....	.....	15th April, 1864. 16th April, 1866.*	3rd February, 1866. 1st August, 1866.	1st October, 1869.	7th January, 1876.	* Reduced.
2	Sreenath Pal ..	24th August, 1875.	.....	.....	.....	24th August, 1875.	1st April, 1877.	1st July, 1877.	17th June, 1878.	1st June, 1880.	1st March, 1883.	*Original appo[illegible] ment in the Gove[illegible] ment Railway [illegible] lice, 1st July, 18[illegible]*
3	A. Hogg ..	10th September, 1870.	.....	.....	9th December, 1871.	2nd April, 1874.	22nd March, 1875.	11th September, 1876.	1st January, 1877.	.....	24th September, 1879.	
4	H. S. Johnstone.	13th November, 1878.	..... 6th February, 1879.*	....	1st November, 1877. 8th February, 1879.	10th December, 1878. 5th July, 1879.	3rd June, 1886.	1st August, 1880.	8th May, 1882.	....	14th April, 1883.	* Reduced.
5	J. E. Millard	1st September, 1883.	.....	.....	.....	.....	.....	.....	.....	1st September, 1883.	22nd February, 1888.	*Original appo[illegible] ment in the Bom[illegible] Police, 23rd M[illegible] 1873.*
6	E. Robertson	1st January, 1874.	.....	.....	.....	1st January, 1874.	1st July, 1877.	1st December, 1878.	12th February, 1881.	7th August, 1883.	15th January, 1890.	* Reduced.
7	C. F. Merriman.	1st August, 1880	.....	.....	8th February, 1874.* 1st August, 1880.	1st April, 1875.	7th August, 1883.	14th March, 1885.	14th May, 1888.	14th March, 1887.	22nd July, 1890.	
8	R. Davis ...	3rd November, 1876.	..... January, 1879*.	....	14th December 1878. 9th December, 1879.	3rd June, 1880.	8th May, 1882.	1st June, 1883. 10th October, 1884.* 13th July, 1886.*	4th February, 1884. 11th November, 1884. 13th September, 1886.	26th March, 1891.	11th August, 1892.	* Reduced. * Reduced.
9	Brojendra Nath Chatterjee.	19th June, 1878.	.....	19th June, 1878.	16th October, 1879.	16th March, 1880.	26th January 1883.	17th November, 1883. 26th June, 1884.*	13th August, 1886.	8th April, 1890. 30th November, 1890.* 2nd March, 1894.* 16th November, 1894.*	1st May, 1884. 31st October, 1890. 2nd September, 1894. 30th December, 1893. 1st May, 1895.	* Reverted. Officiating. Ditto. Ditto. Ditto. *Original appointment in the Bom[illegible]*

STATEMENT OF INSPECTORS OF THE FIRST FOUR GRADES IN THE CALCUTTA POLICE.

Number.	NAME.	Date of first appointment.	SUB-INSPECTOR.		INSPECTOR.						uperintendent.	REMARKS.
			2nd Class.	1st Class.	6th Class.	5th Class.	4th Class.	3rd Class.	2nd Class.	1st Class.		
1	2	3	4	5	6	7	8	9	10	11	12	13
1	Kristo Churn Banerjee.	28th April, 1877.	.....	.....	28th April, 1877.	3rd May, 1878.	3rd June, 1880.	11th June, 1881.	1st May, 1886.	1st April, 1888. 26th October, 1888.*	27th September, 1888.	Officiating. * Reverted.
2	Jogendra Chundra Mitter.	25th October, 1884.	.....	.....	.....	25th October, 1884.	18th April, 1887.	21st November, 1887.	14th May, 1888.	1st August, 1891.	.....	*Original appo[illegible] ment in the Bom[illegible] Police, 22nd Mar[illegible] 1884.*
3	A. Forsyth ...	13th November, 1872.	.....	.....	23rd July, 1877.	1st January, 1881.	8th September, 1885.	1st November, 1887.	1st April, 1888.	11th August, 1892. 22nd August, 1894.* 28th April, 1895.* 15th May, 1895.*	15th July, 1894. 31st October, 1894. 1st May, 1895.	Officiating. * Reverted. * Ditto. * Ditto.
4	W. Heffernan	24th October, 1869.	..... 7th April, 1880.*	....	5th June, 1876 15th November, 1883	16th October, 1879. 20th March, 1885.	13th August, 1886.	1st November, 1889.	31st July, 1890.	14th September, 1893.	.....	* Reduced.
5	S. C. Aldridge	1st February, 1888.	.....	.....	1st February, 1888.	1st May, 1889.	31st July, 1890.	17th February, 1891.	25th March, 1892.	1st November, 1894. 20th July, 1895.*	22nd April, 1895.	Officiating. *Origi[illegible] appointment in [illegible] Port Blair Po[illegible] 13th January, 1[illegible]* * Reverted.
6	H. G. Haultain	27th January, 1886.	.....	.....	16th October, 1889.	1st March, 1890.	29th January, 1891.	25th March, 1892.	11th August, 1892.	1st October, 1895.		

NAME.	Date of first appointment.	Sub-Inspector.		Inspector.						Superintendent.	REMARKS.
		2nd Class.	1st Class.	6th Class.	5th Class.	4th Class.	3rd Class.	2nd Class.	1st Class.		
2	3	4	5	6	7	8	9	10	11	12	13
., Mark-	25th March, 1884.	.....	.....	31st March, 1885.	6th February, 1886.	17th July, 1889.	31st July, 1890.	26th March, 1891.			
..sh Ghosh	8th May, 1880.	...	.....	8th May, 1880.	1st June, 1883.	1st November, 1887.	8th April, 1890.	29th January, 1891.	... ..	.....	*Original appointment in the Government Railway Police, 1st August, 1871.*
A. Meyers	20th March, 1872.	..	.....	6th July, 1872.	16th October, 1873.	23rd September, 1874.	28th January, 1879	14th April, 1883.	10th January, 1887.		
						14th May, 1888.*	1st May, 1889.	19th September, 1891	...	.....	*Reduced.
..bdulla...	2nd June, 1875.	.. ...	.....	2nd February, 1887.	1st April, 1888.	8th April, 1890.	1st April, 1892.	1st July, 1893.			
					31st October, 1890.*	1st June, 1891.	... .	... ..	.....	.....	* Reduced.
owen ...	14th June, 1886.	... .	... ..	28th February, 1887.	1st November, 1887.	11th August, 1892.	21st December, 1892.	10th July, 1893.	.. .	15th February, 1895.	Officiating.
								1st May, 1895.*	.....	... ..	* Reverted.
lliot ..	6th September, 1884	.	.....	6th September, 1884.	1st February, 1886.	29th August, 1890.	14th September, 1893.	30th August, 1895.	.....	.....	* Reduced.
				5th February, 1886.*	29th March, 1887.	. ...	.. ...	. ..			
Elba ..	5th March, 1891.		... .	5th March, 1891.	26th March, 1891.	28th October, 1895.	1st March, 1894.	18th January, 1895.	.....	...	*Original appointment in the Calcutta Collectorate, 2nd November, 1887.*
.ll ...	24th April, 1895.	.... .	.....	.....	.. . .	.. ...	24th April, 1895.	8th November, 1895.	.....	.....	*Original appointment in the Bengal Police, 30th April, 1894.*
..rol ..	15th March, 1877.	. .	.... .	20th May, 1883.	14th March, 1885.	16th July, 1888.	26th March, 1891.				
..ith ..	9th November, 1887	..	....	31st March, 1891.	11th August, 1892.	30th December, 1893.	30th August, 1894				
..kley ...	14th January, 1880.	. .	.....	14th January, 1880.	3rd June, 1880.	15th September, 1886.	19th September, 1891.	.....	.. ..	.....	*Original appointment in the North Western Province Police, 5th January, 1875.*
				12th October, 1882.*	26th January, 1883.	30th July, 1890.	.....	.....	.....	.....	* Reduced.
				15th March, 1888.	18th August, 1888.						
..eagan ..	1st July, 1887	...	.... .	17th July, 1889	31st July, 1890.	28th December, 1893	15th August, 1894.				
..allantyne	5th September, 1889	..	.....	5th September, 1889.	8th April, 1890.	1st April, 1892.					
.. Kumar ..se.	27th February, 1890.		*	27th February, 1890.	29th August, 1890.	21st January, 1895.	.....	. ...	.....	.....	*Original appointment in the Government Railway Police, Sealdah, 18th August, 1888.*
rydas Bose	15th March, 1880	23rd October, 1886.	30th March, 1889.	17th July, 1889.	27th February, 1890.	30th September, 1891.					
..terson	1st September, 1871	.	... ..	12th April, 1877.	18th September, 1886	29th January, 1891.					
N. Major	16th September, 1890		.....	12th July, 1892.	1st April, 1894.	1st March, 1894					
..bbekind	5th October, 1891.	. ...	.. .	5th October, 1891.	28th October, 1893.	2nd September, 1894.	.....	.....	...	.....	*Original appointment in the Custom Preventive Service, 18th June, 1893.*
.. Belletty	23rd August, 1878.	.....	.....	23rd August, 1878.	1st February, 1880.	1st May, 1884.	1st February, 1886.				
						26th June, 1886.*	14th May, 1888.	.....	.....	.....	* Reduced.
				26th March, 1891.*	31st July, 1891.	1st May, 1895	.. ...	.....	.....	.....	* Ditto.
Fitzgerald	1st July, 1887	.. ..	.... .	20th August, 1890.	20th January, 1891	.....	.....	.....	...	.....	
risocll ..	10th November, 1874.	. .	.....	21st March, 1875.	11th September, 1876.	1st January, 1891.	... ..	.....	.....	.....	
					28th December, 1893.	14th August, 1894.	. ....	.....	. ....	.....	
					15th January, 1895.	....	.... .	... ..	.....	.....	Officiating in 4th class.
am Mohindin.	19th July, 1892.	.....	.....	20th February, 1893.	18th January, 1895.	.....	.....	.....	.....	.....	*Original appointment in the Punjab Police, 15th January, 1877.*

CALCUTTA;
the 20th December, 1895.

J. LAMBERT,
Commissioner of Police.

[*Babu Surendranath Banerjee; Mr. Cotton.*]

RANGPUR HOSPITAL IMPROVEMENT FUND.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Whether the attention of the Government has been called to the proceedings of the Magistrate of Rangpur, who, it is alleged, addressed the following communication to a gentleman, who had refused to accept a letter he had written for subscription to the Rangpur Hospital Improvement Fund:—

"To

BABU

WHEREAS it is understood from the report of a peon that you have refused to accept the letter for subscription of the Rangpur Hospital Improvement Fund, you are hereby informed by this notice that you will present yourself in my *kutcherry* at 9 A.M., on the 15th August next, and show cause why you should not be criminally prosecuted.

Sd. J. H. LEA,

Magistrate, Rangpur."

Dated the 12th August, 1895.

Whether such a Circular was issued; if so, does the Government approve of it? If not, will the Government be pleased to mark its sense of disapproval of such a proceeding?

The Hon'ble MR. COTTON replied:—

"The attention of Government was drawn to the subject-matter of the Hon'ble Member's question by an article which appeared in the *Amrita Bazar Patrika* of the 5th September, 1895, and it was ascertained on enquiry that the facts are substantially as stated. The censure of Government was communicated in October last, under Sir Charles Elliott's orders, to the Magistrate concerned. Mr. Lea was under the erroneous impression that refusal to accept delivery of an official cover constituted an offence under the Indian Penal Code. The Circular asking for subscription had issued from the District Board Office."

[*Babu Surendranath Banerjee ; Mr. Buckland.*]

EXAMINATION RULES ISSUED BY CALCUTTA MEDICAL COLLEGE.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Has the attention of the Government been called to the rules purporting to have been issued by the authorities of the Medical College, and affixed to the Notice Board of the College, two of which rules, marginally noted, practically lay down that a student failing twice at the 1st L. M. S. or M. B. Examination will be removed from the College and will not be entitled to re-admission? Does the Government approve of these rules, which conflict with the terms of the Government Resolution published in the *Calcutta Gazette* of the 6th November, 1895, page 2581, which says that students will be removed only if they fail at a moderate class test, as will be seen from the following extract from the Resolution:—"It has been decided to hold at the end of each session a test examination, such as is held at other educational institutions. The standard fixed is so studiously moderate that no student of the most ordinary assiduity and ability need run any risk of failing to gain promotion. Those who fail to pass this examination will have to go through the year's course again, and if they fail a second time, will be removed from the College"? Do not the rules issued by the authorities of the Medical College referred to above institute a much severer test than what is contemplated by Government, the University pass marks being 50 per cent. in each paper, and in the practical part of each subject, while in the moderate class test proposed, and as interpreted by the authorities of the Medical College, not more than 20 per cent. marks are insisted upon?

"4. Students of the third year will present themselves for the 1st L. M. S. or 1st M. B Examination of the Calcutta University. Those who fail at this Examination will be relegated for a further year to the third year class.

"5. Students of the first, second, or third year class who fail a second time to gain promotion to the next higher class will be removed from the College and will not be entitled to re-admission."

Will the Government kindly state if the rules now issued will have a retrospective effect?

The Hon'ble MR. BUCKLAND replied:—

"(1) The rules in question were issued under the authority of Government after full consideration by His Honour the late Lieutenant-Governor.

[*Mr. Buckland; Babu Surendranath Banerjee.*]

"(2) The passage quoted from the Resolution of the 6th November, 1895, gives a brief summary of the general purport of those rules, and was not intended to furnish an exhaustive account of them. When the Resolution was written, Government had already sanctioned the rules, and had decided to apply to students failing a second time at the University Examination (*i.e.*, 1st L.M.S. or 1st M.B.) at the close of the third year, the same rule of removal from the College as was applicable to students failing a second time at the test examination of the first or second year.

"(3) It is stated in the rules that they will apply to existing students of the College. As the test examination has not yet been instituted, the rules regarding that examination cannot have retrospective effect. It is not intended to apply the rule, prescribing removal from the College for students failing a second time at the 1st L.M.S. or 1st M.B. Examination, to those who have already failed at either examination."

CERTAIN REMARKS OF COMMISSIONER OF PRESIDENCY DIVISION.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(*a*) Will the Government state in what cases Native Magistrates, as stated in the Report of the Commissioner of the Presidency Division, were found (1) "very weak or negligent in dealing with false complaints," and (2) "though satisfied with the proof of an offence, they did not convict when they knew that there was a lenient Appellate Court over them"?

(*b*) Will the Government further state in what cases, as stated in the report of the Commissioner of the Presidency Division, (1) "the Courts appeared to expect a standard of evidence which is impossible of attainment among an essentially inaccurate people," (2) "judicial officers did not appear to endeavour to winnow out the truth as they used to do," (3) "the Magistrates were reluctant to commit, although convinced of the truth of a case and of the sufficiency of proofs," (4) "the Superior Courts appeared to require an impossible standard of evidence, and to take advantage of little discrepancies, which are the result of the natural inaccuracy of the people of the country, to acquit persons guilty of the most heinous crimes," (5) "Courts betrayed considerable ignorance of

the habits and modes of thought of the people," and (6) "the Subordinate Magistrates did not convict or commit for trial, however manifest the truth of a case, for fear of acquittal" (*vide Calcutta Gazette*, 11th September, 1895)?

(*c*) Does the Government approve of such condemnation of the whole body of superior and subordinate Courts by an officer in the position of the Commissioner of the Presidency Division, which condemnation is calculated to exercise an unwholesome influence upon Magistrates and Judges, and to affect their independence? Did not the Secretary of State recently prohibit such public criticism of judicial work by executive officers? If so, what notice does the Government intend to take of Mr. Westmacott's violation of the orders of the Secretary of State for India?

The Hon'ble MR. COTTON replied:—

"The remarks quoted in the Hon'ble Member's question are taken from the Annual Administration Report of the Commissioner of the Presidency Division for the year 1894-95, and are the expression of Mr. Westmacott's individual opinion. It would serve no useful purpose to enquire into the particular cases upon which that opinion is based. In accordance with the orders of the Secretary of State all administrative officers of whatever rank are prohibited from publishing officially reflections upon the decisions and judicial acts of Magistrates and Courts of Law. These orders refer to reflections upon particular decisions and judicial acts, and do not apply to a general expression of opinion; but the Lieutenant-Governor regrets that general observations, such as those quoted in the Hon'ble Member's question, should have been officially published."

FISHING IN TIDAL RIVERS.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(*a*) Is it the case that the Police have been endeavouring to prevent fishermen from fishing in the river Hooghly and the tributaries thereof within tidal limits, unless they obtain licenses? If so, whether they have been acting under the authority of the Government?

(*b*) Whether the officers of the Forest Department in the Sundarbans have not made similar objections in regard to the tidal rivers in the Sundarbans, acting under the Government Notification No. 177T.R. of the Revenue

Department (Forest), dated 18th May, 1895, and whether it is the intention of the Government that the rules in question should apply to tidal rivers?

The Hon'ble MR. BUCKLAND replied:—

"No information has reached Government that the Police have been endeavouring to prevent fishermen from fishing without licenses in the river Hooghly and its tributaries within tidal limits, but it is probable that steps were initiated locally to enforce the Rules for regulating, hunting and fishing in reserved and protected forests, published with the Notification to which the Hon'ble Member refers. It was not intended to apply those Rules to tidal waters like the rivers of the Sundarbans, and the Lieutenant-Governor, when his attention was drawn to the matter, at once issued executive orders that Police or Forest Officers were not to interfere in any way with fishing in tidal waters by fishermen who have never hitherto paid any fees for fishing in such waters. On His Honour's recommendation the Government of India have recently sanctioned a modification of the Rules above mentioned by adding thereto a proviso to the effect that no license or permit shall be required for fishing in any tidal waters. This modification has been published in the *Calcutta Gazette* of January 29th, 1896."

MR. FORBES' CIRCULAR REGARDING WHIPPING.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Has the attention of Government been called to a Circular issued by Mr. Forbes, Commissioner of the Patna Division, dated the 10th December, 1895, in which he says:—

"Officers who have not yet been given the necessary (whipping) powers, should be instructed to refer cases freely for the orders of the District Magistrate under section 349 of the Criminal Procedure Code; the others should be warned against giving way to sentiment. Where these instructions are not acted up to, the District Magistrate should forbid the passing by a subordinate Magistrate of a sentence of imprisonment on any youth of, say, 21 years or

under without reference to himself, where the offence proved is punishable with whipping."

Does the Government approve of this interference, on the part of an executive officer in the position of the Commissioner of the Division, with the judicial discretion of Magistrates subordinate to him in the trial of cases which may come before such Magistrates? If not, will the Government be pleased to direct the withdrawal of the Circular referred to above?

The Hon'ble MR. COTTON replied:—

"This question has been answered by the reply already given to the Hon'ble Mr. Bose on the same subject."

CASE OF RAJ KISSORE SINGH.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(*a*) Whether the attention of the Government has been drawn to the sentence of whipping upon a charge of rioting passed by Mr. Russell, Joint-Magistrate of Sitamarhi, upon one Raj Kissore Singh, a boy of 12 years, belonging to a highly respectable family with an income of sixteen thousand rupees a year? Whether it is true that the High Court, in upsetting the order of the Magistrate, commented as follows upon the case:—

"The case seems to have been badly prosecuted, badly defended and badly tried. It is not easy to say which was worst. Now, as far as the boy is concerned, even if he was present, of which we have the gravest doubt, having regard to his age, having regard also to the fact that he had no interest whatever in attacking these men in the field, his presence would probably be easily explained by his curiosity to see what was going on in this field, which was not very far from the house where he lived. That would be sufficient to justify us in saying that it is impossible to suppose that there are facts in this case upon which we could be certain that he was guilty of any offence."

And again:—"Before leaving this part of the case, we think we ought also to observe that the Magistrate ought, before he inflicted upon him the sentence of whipping, to have considered that this boy apparently occupied a good

position in society, that he is a boy of some means; and from his point of view, even assuming that he was present, and did help in the beating, could his conduct be put down for anything more than a boyish freak, and scarcely one which ought to be punished with either whipping or imprisonment? Moreover, the Magistrate has omitted to state in his orders that this whipping should be the whipping of a juvenile. Apparently, this order intended it to be a whipping, such as is inflicted upon an adult, which of course should not have been done in the case of an offender of this kind."

(*b*) Will the Government be pleased to state whether the orders of the Joint-Magistrate inflicting the punishment of whipping were carried out or not? If carried out, whether the punishment inflicted upon the boy was, in the nature of whipping, such as is administered to juvenile offenders, or such as is inflicted upon adults?

(*c*) Does the Government approve of these proceedings of the Joint-Magistrate of Sitamarhi? If not, will the Government be pleased to issue orders, impressing upon Magistrates the desirability of not enforcing the provisions of the Whipping Act against persons of education and respectability, except under exceptional circumstances?

(*d*) Is it the case, as stated in the newspapers, that Lord Lawrence issued a Circular in connection with the infliction of the punishment of whipping; that this Circular has not been withdrawn; and that it directs that whipping is not to be inflicted upon respectable persons (*Bhadra log*), except under exceptional circumstances? Will the Government be pleased to lay the Circular on the table?

The Hon'ble MR. COTTON replied:—

"This question has also been dealt with in the reply already given to the Hon'ble Mr. Bose. It is only necessary to add that the punishment of whipping was not inflicted in this case, and that the Magistrate on his own responsibility refrained from carrying out his order in order to allow an opportunity for appeal. The orders of Government prohibiting the punishment of whipping in the case of persons of respectability are stringent and leave nothing to be desired. Orders to this effect were issued in 1868, again in 1882, and recently in 1887. It is not considered necessary to lay them on the table, but they will be communicated to the Hon'ble Member if he desires it."

[*Babu Surendranath Banerjee; Mr. Cotton.*]

ADDITIONAL PUNISHMENT INFLICTED BY JOINT-MAGISTRATE OF ALIPORE.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Has the attention of the Government been drawn to a paragraph, which appeared in the *Hitabadi* of the 20th December, to the effect that, on the 10th December last, Mr. C. Fisher, Joint-Magistrate, Alipore, convicted and sentenced one Nidhiram Uriya to receive ten stripes, and, after the execution of this sentence, caused ten more stripes to be inflicted on him, and that there is no memorandum of this additional punishment in the records?

Is there any truth in this statement? If so, what action does the Government propose to take in the matter?

The Hon'ble MR. COTTON replied:—

"This question has been answered by the reply already given to the Hon'ble Mr. Bose on the same subject."

THE 5TH BENGAL CAVALRY MILITARY GRASS-CUTTERS.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Has the attention of the Government been called to a serious riot at Moheshtolla reported in the *Hitabadi* and other newspapers, alleged to have been caused by some Military grass-cutters attached to the 5th Bengal Cavalry? Is the Government aware that the Military grass-cutters were ordered last year by the Magistrate of the 24-Parganas to obtain their supply of grass from railway embankments, and not to enter the villages; and that notwithstanding this order, the grass-cutters went to the village of Moheshtolla, and began forcibly cutting the grass of the villagers which led to the riot? Will the Government be pleased to state what steps it proposes to take, with a view to enforce the orders of the Magistrate, and prevent the recurrence of acts of violence on the part of the Military grass-cutters?

[*Mr. Cotton; Babu Surendranath Banerjee.*]

The Hon'ble MR. COTTON replied:—

"The facts are substantially as stated in the question. Arrangements have been made by Government for the supply of grass to the Military grass-cutters at Alipore from the railway embankment and from the Baraset sub-divisional compound, but it appears that on the 2nd February a party of grass-cutters trespassed upon land belonging to certain villagers of Moheshtolla, who called for the assistance of the police, and that a fight ensued, which resulted in nine of the grass-cutters being arrested and sent up for trial. The Lieutenant-Governor is in communication with the Military authorities, with a view to effectually putting a stop to further incidents of this nature."

ALLEGED OPPRESSION BY MOHUNTS.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Whether the attention of the Government has been called to the telegram noted in the margin, which appeared in the *Statesman* newspaper headed "Alleged Oppression by a Mohunt"? Will the Government be pleased to enquire into the circumstances alleged in the telegram, and also disclosed in the issues of the *Hitabadi*, dated the 17th and 24th January? Is it the case that the Mohunts of Sitakund and Barar shrines in the Chittagong district are levying a regular tax upon pilgrims by issuing tickets of admission to the shrines which are public places of worship—a proceeding hitherto unknown in connection with any other shrine? If so, will the Government be pleased to direct that the old practice of voluntary contributions made

ALLEGED OPPRESSION BY A MOHUNT.

(*From a Correspondent, Sitakunda, February 4th.*)

Although in the late Sitakund case the Mohunt has been ordered to refund the tax illegally extorted by him from two pilgrims, his oppression has not yet ceased. Fortunately, the attention of the Commissioner and the Magistrate has been drawn to his proceedings. The latter personally made a thorough enquiry into the complaints, about 150 pilgrims having been recently obstructed with fencing in a public road leading to the temple of Samvunath by Mahomedans employed by the Mohunt, who is still extorting a tax from pilgrims against their will. These facts were proved beyond doubt. The Magistrate has kindly promised his help and protection to pilgrims against this oppression after enquiry. Pilgrims are coming down in numbers by every day's train, and many thousands are expected on the occasion of the next anniversary ceremony of Sivaratri, to be held on the 11th instant. All are anxiously awaiting orders from the Commissioner and the Magistrate.

by pilgrims be reverted to, or will the Government take such other steps as to the Government may seem fit, with a view to put a stop to this extortionate practice?

The Hon'ble Mr. COTTON replied:—

"The Lieutenant-Governor has caused enquiries to be made on the subject of the Hon'ble Member's question. It appears that two pilgrims sued the Mohunt of Sitakund in the local Small Cause Court to recover the fees paid by them for admission to the Temple, and that the Court decided in their favour. Being a Small Cause Court case there is no appeal, but it is stated that the Mohunt has moved the High Court on a point of law. The measures adopted by the local authorities are exactly the same as they have been for many years past. When the pilgrims' cases were won, the Adhikaris, who own the pilgrim rest-houses at Sitakund, and whose interests conflict with those of the Mohunt, applied to the District Magistrate to take action to remove all barriers and to order that every one should be admitted free of charge to the shrine. In reply to this, the Magistrate pointed out that barriers were put up every year for the regulation of overcrowding, with the consent of the officer who was placed in charge of the *mela* arrangements, and that, in accordance with long-standing practice, this officer had authority to admit persons who were unable to pay to pass without payment."

WITHDRAWAL OF ACT X OF 1859 FROM JALPAIGURI.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Has the Government received any memorial from the inhabitants of the Jalpaiguri district, submitted before the last Pooja, for the withdrawal of Act X of 1859 from the regulation portion of the district? Is it a fact that the local authorities are in favour of the prayer of the memorialists? Is it also the case that the present Commissioner of the Division has repeatedly and strongly recommended the withdrawal of the said Act and the introduction of Act VIII of 1885 in its place? If so, and having regard to the strong local feeling on the subject, will the Government be pleased to comply with the prayer of the memorialists in accordance with the recommendation of the Commissioner of the Division and other local authorities?

[*Mr. Buckland; Babu Guru Proshad Sen.*]

The Hon'ble Mr. BUCKLAND replied:—

"(*a*) A petition, dated the 12th September, 1895, was received by Government, purporting to be signed by residents and inhabitants of the district of Jalpaiguri, who asked the Lieutenant-Governor to abolish 'the jurisdiction of the Collector and Deputy Collector to try rent suits in the Regulation portion of the district, and vest it in the Civil Courts by withdrawing Act X of 1859 therefrom and introducing Act VIII (B.C.) of 1869 (which differs from Act X of 1859 only in jurisdiction).'

"(*b*) The memorial was not referred to the local authorities for report, as it had been decided by Government in connection with the passing of Act VII (B.C.) of 1895 (which repealed the Bhutan Duars Act, XVI of 1869), on the 3rd August, 1895, that Act X of 1859 should be introduced into the Duars, and it was deemed undesirable to have different rent Acts prevailing in different parts of the same district.

"(*c*) The present Commissioner has all along been of opinion that, when Act XVI of 1869 was repealed, its place should be taken by the Bengal Tenancy Act, VIII of 1885, but his views were not accepted by the late Lieutenant-Governor.

"(*d*) There is no evidence of any strong local feeling on the subject. The memorial referred to prayed for the extension of Act VIII (B.C.) of 1869 (not of the Tenancy Act) to the district; the point on which special stress was laid being that, under Act X of 1859, rent suits are tried by Deputy Collectors. In deference to the wishes of the memorialists, the late Lieutenant-Governor asked the High Court whether the Hon'ble Judges had any objection to the Munsifs in Jalpaiguri being vested with powers for the trial of rent suits under Act X of 1859 and Act VI (B.C.) of 1862. No answer has yet been received to this reference."

POST OFFICES AT POLICE-STATIONS.

The Hon'ble BABU GURU PROSHAD SEN asked—

Whether a Government Post Office does not exist at all the police-stations? Will the Government be pleased to order the preparation of a statement, showing in what cases they do not exist, district by district?

[*Mr. Buckland; Babu Guru Proshad Sen.*]

The Hon'ble MR. BUCKLAND replied:—

"It is not clear whether by the words 'Government post office' the Hon'ble Member means an Imperial post office as distinguished from a zamindari dâk post office, and whether by the words 'police-stations' the Hon'ble Member means only thanas or both thanas and outposts; but, in any case, the reply to the first half of the question is 'No.'

"As to the second half of the question, if the Hon'ble Member will let me know precisely the information he desires, the Government will endeavour to obtain it for him."

ZAMINDARI DÁK CESS FUND.

The Hon'ble BABU GURU PROSHAD SEN asked—

Will the Government be pleased to state, whether, when a post office is established with the Zamindari Dák Cess, the income out of it is credited to the Zamindari Dák Cess Fund?

The Hon'ble MR. BUCKLAND replied:—

"When a post office is established with the Zamindari Dâk Cess, the receipts from it are not credited to the Zamindari Dâk Fund; but neither is the expenditure on supervision, control, accounts and audit, delivery, forms, seals, and other items debited to the fund; and the expenditure on these items often equals or exceeds the postal income."

ZAMINDARI DÁK CESS RATES.

The Hon'ble BABU GURU PROSHAD SEN asked—

Regard being had to the provisions of section 5 and section 10 of Act VIII of 1862 (B.C.), should the fixing of the rates of Zamindari Dák Cess for five years, by order of the Board of Revenue, be allowed to continue?

The Hon'ble MR. BUCKLAND replied:—

"In April, 1892, Government, after full consideration of the question of substituting a fixed annual payment for the variable charge on account of the District Post devolving on zamindars, a question which arose from certain

representations of the British Indian Association, decided on the principle of fixing for five years, from January, 1893, the rate at which the zamindari tax was to be levied in each district, on the grounds of economy and of administrative convenience to all concerned. The rates were fixed accordingly, and Government would prefer to give the arrangement a fair trial."

REPEAL OF ACT VIII OF 1862.

The Hon'ble BABU GURU PROSHAD SEN asked—

Considering the great development of our postal system and the profit with which it is being worked out in Bengal, and also considering the fact that the reason or reasons for which the levy of a cess from the zamindars for the conveyance of letters on public service between Police officers and police-stations and the magisterial offices of the district was thought necessary, do no longer exist, will it please Government to order the repeal of Act VIII of 1862 (B.C.)?

The Hon'ble MR. BUCKLAND replied:—

"Government cannot admit the correctness of the statement that the reasons for the levy of the zamindari dâk cess no longer exist, and are not prepared to propose the repeal of the Act, VIII (B.C.) of 1862. The complete substitution of Imperial for zamindari lines is not now, and for many years to come will not be, a practical question in any district in Bengal. At the present time the extension of Imperial lines has no other effect than the temporary displacement of zamindari lines, the release of postal runners in one direction facilitating their employment in another, where their absence is, with the growing needs of the administration, beginning to be felt. Railways and other communications are developing new centres of trade and population, which, for police as well as other purposes, have to be brought into closer connection with the district authorities. Even where new places are not starting into importance, the increasing activity of life and the multiplied wants of the present day, necessitate greater despatch than formerly in communicating with old established centres. Thus the question of abolishing the zamindari dâk system is really not one of immediate possibility."

[*Babu Guru Proshad Sen ; Mr. Buckland.*]

COURT-FEE STAMPS ON JOINT APPLICATIONS.

The Hon'ble BABU GURU PROSHAD SEN asked—

In proceedings under section 104, (2), of the Bengal Tenancy Act, which commence by *applications* and not by *plaints*, and in which under Rule 25 of the Rules issued under section 189 of the Act on the 1st November, 1894, any number of tenants may join in making a joint *application*, or may be joined as defendants in *one application*, if 50 ryots join, or are joined as defendants, 50 eight-anna court-fee stamps are being charged for *one such application*. Will it please Government to say under what provision of the Court-fee Act the court-fee is thus levied?

The Hon'ble MR. BUCKLAND replied :—

"It has been held that a Revenue Officer is acting as a Court when fixing a fair rent under section 104 (2) of the Bengal Tenancy Act on the application of a party, except when the record is being framed under section 101 (2) (*d*) of the Act. Applications by a party for the fixing of a fair rent under section 104 (2) are, therefore, chargeable with court-fees in estates not under revenue settlement, and, were it not for an exempting Notification of the Government of India, such applications would be treated as plaints instituting suits under section 107 of the Bengal Tenancy Act, and would be liable to *ad valorem* fees, as prescribed in Schedule I of the Court-fees Act. It would be a complicated matter, but not impossible, to calculate the value of the suit for the purpose of levying an *ad valorem* fee. In consideration of this difficulty, the Government of India, on the suggestion of this Government, have, under section 35 of the Court-fees Act, remitted all other fees chargeable on applications referring to any entry made, or proposed to be made, in a draft record of rights, while directing that the fee payable on any application made under section 104 (2) for a settlement of rent shall not exceed the sum of 8 annas for each tenant making or joining in or joined in such application.

"Rule 25 of Chapter VI of the Rules issued under section 189 of the Bengal Tenancy Act, makes no reference to the levy of fees at all; they are levied under the Court-fees Act. If it should be held by any superior Court that this Rule, whereby tenants are permitted to be joined in one application, prevents the levy of more than a single fee on it, it might be necessary to alter

the Rule (which was made entirely in the interests of applicants), in order to make it clearer that the joinder of several tenants shall not prevent the levy of a separate fee on account of each tenant included in the application. But this difficulty has not yet arisen."

COSTS OF CADASTRAL SURVEY AND RECORD OF RIGHTS.

The Hon'ble BABU GURU PROSHAD SEN asked—

Will it please Government to state whether it intends to credit to the costs of the cadastral survey and record of rights in calculating such costs under section 114 of the Bengal Tenancy Act all stamp-fee revenue realized, and all process fees and other receipts on account of the various proceedings between landlords and tenants necessitated by the order for the cadastral survey and record of rights?

The Hon'ble MR. BUCKLAND replied:—

"It was decided by the Government of India, in 1893, on the recommendation of this Government, that the cost incurred on account of the stamp fees referred to should be deducted from the costs of survey and settlement recoverable under section 114 of the Bengal Tenancy Act."

INCONVENIENCES ARISING FROM WITHDRAWAL OF E. B. S. RAILWAY DESPATCH STEAMER SERVICE.

The Hon'ble BABU GURU PROSHAD SEN asked—

What steps have been taken by Government to remove the inconveniences felt by passengers travelling between Goalundo and Naraingunge, noticed in the Annual General Administration Report of the Dacca Division for the year 1894-95, paragraph 130, and published in the Supplement to the *Calcutta Gazette*, page 130, since the withdrawal of the Eastern Bengal State Railway despatch steamer service?

[*Mr. Cotton; Babu Guru Proshad Sen; Mr. Buckland.*]

The Hon'ble MR. COTTON replied:—

"The control over the Eastern Bengal State Railway System and of the steamer lines connected with it was transferred to the Director-General of Railways under the Government of India in 1892, and the Bengal Government has no official knowledge of the circumstances under which the steamer service between Goalundo and Naraingunge has been placed in the hands of the India General Steam Navigation Company. The inconvenience felt by passengers travelling between Goalundo and Naraingunge has been brought to the notice of Government by a Memorial from persons concerned, as well as by the Commissioner of the Dacca Division in the paragraph of the report quoted; and this Memorial, together with the remarks of the Manager of the Eastern Bengal State Railway, and of the Commissioner of the Division thereon, has been submitted to the Government of India. The Lieutenant-Governor has also himself personally mentioned the matter to the Manager of the Railway."

TOURS OF DISTRICT AND SUBDIVISIONAL OFFICERS.

The Hon'ble BABU GURU PROSHAD SEN asked—

(*a*) Is the Resolution of the Government of Bengal, dated 21st April, 1888, regarding the tour of district and subdivisional officers, published in the issue of the *Amrita Bazar Patrika*, dated 13th January, 1896, still in force?

(*b*) In view of the great inconvenience and harassment caused to the parties and their witnesses in criminal cases by reason of their being compelled to follow Magisterial officers about in camp during their tour, will it please Government to order in terms of that Resolution that Subdivisional Officers should endeavour to do as much of their regular case work as possible at head-quarters, and should arrange their tour so as to render it unnecessary for large parties of muktears and clerks to follow their camp?

The Hon'ble Mr. BUCKLAND replied:—

"The Resolution of the 21st April, 1888, dealt only with the tours of Subdivisional Officers, and was among the papers considered before the Resolution of Government, No. 398T.G., dated the 17th October, 1891, was issued. The

Resolution last mentioned was published in the Supplement to the *Calcutta Gazette* of the 21st October, 1891, and contains Sir Charles Elliott's orders, which have hitherto been in force, on the subject of official tours.

"The Lieutenant-Governor has recently issued a Resolution No. 749, dated the 18th February, 1896, published in the Supplement to the *Calcutta Gazette* of the 19th idem, in which he has laid down revised orders regarding the tours of Commissioners, District Officers, and Subdivisional Officers."

THE PROTECTION OF MUHAMMADAN PILGRIMS BILL.

THE Hon'ble MR. COTTON moved for leave to introduce a Bill to provide for the protection of Muhammadan Pilgrims in the town of Calcutta. He said:—

"Hon'ble Members are doubtless aware that for the ports of Bombay and Karachi a law has been passed to protect Muhammadan pilgrims embarking from those ports, and to enable the local authorities to exercise control over a class of men known as Muhammadan pilgrim brokers. That law was passed in Bombay in 1887, and it is stated that it has worked satisfactorily in that Presidency. Messrs. Thomas Cook and Son, who were for several years in charge of the pilgrim arrangements between India and the ports of the Hedjaz, repeatedly brought to the notice of the Government of India that it would be very desirable if a law, similar to the Bombay Act, were enacted for Calcutta. They made their recommendation in 1890, and again in 1891 and 1892, and in their report for the year 1893. I will, with Your Honour's permission, read to the Council the recommendation they made in the last of these years. Messrs. Cook and Son wrote:—

'I wish again to call the attention of the Government of India to the fact that through the Pilgrim Brokers' Act not applying to Calcutta, it is impossible for any one to carry out the arrangement for shipping of pilgrims satisfactorily from that port; the troubles the pilgrims have to encounter in Calcutta at the present time are, if anything, worse than they were in Bombay before the Brokers' Act was put into operation, and in this my final report, I would impress upon Government the advisability of passing an Act governing the pilgrim brokers in Calcutta, similar to the one now in operation at Bombay and Karachi.'

"On receipt of this report the Local Government placed itself in communication with the Commissioner of Police for the town of Calcutta, and also with the leading Muhammadan Associations of this City, and we have received a report

from Sir John Lambert in which he strongly supports the proposal for legislation. He states that about a hundred persons follow the profession of pilgrim brokers in Calcutta, and that they pillage and deceive the pilgrims in every way possible, but as the parties aggrieved were always in a hurry to proceed on their pilgrimage, they would not come forward to complain, and naturally objected to being detained in Calcutta or to appear in Court. He furnished several instances in which these pilgrim brokers were proved to have oppressed and swindled pilgrims passing through the town of Calcutta, but as the brokers were under no legal control, no effective action could be taken; the pilgrims leave for the Hedjaz, and the brokers are left untouched The Central Muhammadan National Association and the Muhammadan Literary Association have also represented to the Government that in their opinion the introduction of the present Bill is very desirable. The number of pilgrims who leave Calcutta cannot be accurately stated. Formerly a considerable number left by steamer from Calcutta. In the year 1891 the number of pilgrims who left by steamer exceeded 1,000; since then the numbers steadily fell off. In 1894 no pilgrim left by steamer direct from Calcutta, and in 1895 the number was only 48. The pilgrims who now leave from Calcutta all go by train to Bombay, and their number is very considerable. According to the best calculation I have been able to make, it amounts to between 4,000 and 5,000 in a year, principally from the districts of Eastern Bengal, and I include in this expression the district of Sylhet, which is well known to supply a large number of *Hajees*. It is for the protection of this large number of pilgrims that I ask for permission to introduce the present Bill. It is necessary to protect them just as much for the railway journey as it is for the sea passage. The practice is for the pilgrims to take their tickets here to Bombay and from Bombay to Mecca. It has been known that pilgrims whose tickets should have been taken to Bombay have been stranded half way to that City, the actual ticket taken by the broker in such cases being for some intermediate station only. The pilgrims from the districts of Eastern Bengal are mostly very simple men, and not acquainted with the wiles of city life; they are accosted on arrival, and fall, without difficulty, into the hands of those whose business it is to promote their pilgrimage, but who in fact pillage them.

"The object of the Bill I propose to introduce to-day is to protect these pilgrims, and to bring this class of brokers under strict and effective control.

[*Mr. Cotton; The President.*]

The Bill which has already been circulated to Hon'ble Members is based on the lines of the Bombay Act, but certain modifications have been found necessary to adapt it to the conditions of Calcutta and to make it applicable to railway as well as to sea traffic. But none of the substantive provisions of the Bill are new or other than those which already exist, and have, as I am informed, been found to work well in Bombay.

"With these remarks I ask for permission to introduce this Bill."

The Motion was put and agreed to.

The Hon'ble MR. COTTON applied to the President to suspend the Rules of Business to enable him to introduce the Bill, and to move that it be read in Council.

The Hon'ble THE PRESIDENT having declared the Rules suspended—

The Hon'ble MR. COTTON introduced the Bill and moved that it be read in Council.

The Motion was put and agreed to.

The Bill was read accordingly.

The Council adjourned to Saturday, the 14th March, 1896.

CALCUTTA;
The 16th March, 1896.

C. E. GREY,
Offg. Assistant Secretary to the Govt. of Bengal,
Legislative Department.

Reg. No. 1040G—800—18-3-96.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met at the Council Chamber on Saturday, the 14th March, 1896.

Present:

The Hon'ble SIR ALEXANDER MACKENZIE, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.
The Hon'ble SIR CHARLES PAUL, K.C.I.E., Advocate-General.
The Hon'ble H. J. S. COTTON, C.S.I.
The Hon'ble D. R. LYALL, C.S.I.
The Hon'ble C. A. WILKINS.
The Hon'ble C. E. BUCKLAND, C.I.E.
The Hon'ble H. H. RISLEY, C.I.E.
The Hon'ble M. FINUCANE.
The Hon'ble RAI DURGA GATI BANERJEA BAHADUR, C.I.E.
The Hon'ble NAWAB SYUD AMEER HOSSEIN, C.I.E.
The Hon'ble SURENDRANATH BANERJEE.
The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR.
The Hon'ble A. M. BOSE.
The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR.
The Hon'ble GURU PROSHAD SEN.
The Hon'ble W. B. GLADSTONE.
The Hon'ble MADHU SUDAN DAS.

NEW MEMBERS.

The Hon'ble MR. W. B. GLADSTONE and the Hon'ble MR. MADHU SUDAN DAS took their seats in Council.

INTERFERENCE WITH DEPUTY MAGISTRATES IN STAMP CASES.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(*a*) Whether the attention of the Government has been called to an order passed by the Magistrate of Khulna, reported in the newspapers, to the effect that in no stamp case should a Deputy Magistrate fine less than five

rupees? Does the Government approve of this order, which interferes with the judicial discretion of Deputy Magistrates?

(*b*) In view of the above order and the circular letter issued by Mr. Forbes, Commissioner of the Patna Division, to all Magistrates within his jurisdiction, recommending that whipping should be inflicted by Magistrates in certain class of cases referred to in that circular letter, will the Government be pleased, in the spirit of the circular letter issued by the Bengal Government, No. 446J., dated the 29th August, 1893, based on the orders of the Secretary of State, containing the clear and distinct declaration that it is not open to any executive or administrative officer, "to adopt any action which may have a tendency to shake public confidence in the decisions of Courts of Justice," to issue a circular letter or take such other action as to the Government may seem fit, with a view to prevent interference by executive order with the judicial discretion of Magistrates—a proceeding which is calculated, in the words of the circular letter of the Bengal Government referred to above, "to shake public confidence in the decisions of Courts of Justice."

The Hon'ble MR. COTTON replied:—

"The following is the order of the District Magistrate of Khulna referred to in the Hon'ble Member's question:—

'In most stamp cases the law allows the Collector to compound, but fixes a minimum of Rs. 5, which he can accept. In the case of receipts, &c., stamped with one-anna receipt stamp, the law does not allow him to compound: he must prosecute. It is clear that the law intends the punishment to be more severe in such cases, and a Magistrate who passes an order of fine of less than Rs. 5 defeats the object of the law.

W. B. BROWN.'

The 23rd March, 1895.

"The Lieutenant-Governor is advised that this order is based upon an incorrect appreciation of the law, and has therefore directed that it be withdrawn.

"His Honour does not, however, consider that the orders referred to could have 'a tendency to shake public confidence in the decisions of the Courts of Justice,' and does not propose to take action in the direction indicated in the second part of the Hon'ble Member's question."

[*Babu Surendranath Banerjee ; Mr. Cotton.*]

ASSAULT BY MR. WINDSOR.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Whether the attention of the Government has been called to a letter, which has appeared in the *Indian Mirror* of the 25th February last, signed by Amar Nath Mookerjee, to the effect that Mr. Windsor, Magistrate of Burdwan, struck with his whip a carter who happened to block the road when the Magistrate was driving through Memari, a town in the Burdwan district, and that the assault committed upon the carter was so severe that the blood flowed from his face and nostrils? Is there any truth in the statement? If so, what action does the Government propose to take in the matter to mark its disapproval of such conduct on the part of a high officer in the position of the District Magistrate? Is Mr. Windsor the same officer who, as Subdivisional Officer of Serampore, was charged with assaulting a gate-keeper?

The Hon'ble MR. COTTON replied:—

"The letter in the *Indian Mirror* referred to by the Hon'ble Member is as follows:—

'A MAGISTRATE WHIPPING CART-DRIVER.

[To the Editor of the *Indian Mirror*.]

SIR,—Kindly allow me a little space in your far-famed newspaper to divulge a secret, clearly showing how brutally our district authorities deal with their poor, dumb Indian subjects in the dark recesses of the distant mufassal. The other day Mr. Windsor, the present Magistrate and Collector of Burdwan, went to Memari on tour. Here, as His Honour was driving along a road, a poor bullock cart-driver chanced to stop his course with his cart. It goes without saying that the poor driver was, at that time, unable to manage his bullocks; in consequence His Honour had to wait a few moments on the road. This audacious impudence on the part of the poor cart-driver was no longer bearable to the hot-blooded, impetuous Englishman. Mr. Windsor waited, fiercely frowning upon him. In an instant, his hand was seen to rise; he took aim at the pale face of the cart-driver, and for the next few moments the glittering lash of his long whip was playing in the air and on the face of the innocent man to the rapid musical tune of *shop a shop!* Then, oh! the most heart-rending of scenes ensued: in torrents blood gushed out from the nostrils and different parts of the man's face. We would not speak a word more on this subject. Will Mr. Windsor now have the temerity to deny the perpetration of this abominable deed? Does he think that this and the like

despotic acts of his perpetrated in the obscure nooks of the remote mufassal will escape the notice of the higher authorities? I ask, is this the outcome of the education Mr. Windsor has received? Has Mr. Windsor forgotten, in the reckless pride of vigorous youth, that the silent tears and sighs of the innocent man and his relatives have been marked by One above, that the painful appeal of the wounded man has already gone up before that Mighty Judge in whose eye there is no distinction between man and man, between a Magistrate and a cart-driver.

BURDWAN;
The 16th February, 1896.

Yours, &c.,
AMAR NATH MOOKERJEE.'

"The Lieutenant-Governor caused a copy of this letter to be forwarded to the Magistrate of Burdwan, and called upon him for a report on the facts of the case. Mr. Windsor denies the charge as absolutely as it is possible to do in a case in which neither name nor date is given. He writes:—

'I have no recollection of being obstructed by any cart at Memari. It is possible that if a cartman did wilfully block the road, I may have flicked him with my whip in passing, but I do not remember any such incident having occurred at Memari. I certainly did not strike any cartman so as to make his nose bleed.'

"The Lieutenant-Governor considers that more than sufficient notice has already been taken of the matter."

ADDITIONAL PUNISHMENT BY JOINT MAGISTRATE OF ALIPORE.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(*a*) Has the Government received a petition from one Nidhiram Ooriya (who received twenty stripes by order of Mr. C. Fisher, Joint-Magistrate of Alipore, when the sentence was that he should receive only ten stripes), challenging the explanation given to the effect that in the first instance the punishment was inflicted in a perfunctory and superficial manner, and praying for a public enquiry as regards the truth of this allegation?

(*b*) Is it the case that this petition is supported by his own affidavit and that of two legal practitioners who witnessed the whipping, and who say that, so far as they could judge, "the first ten stripes were inflicted in the usual way, and were not inflicted in a superficial and perfunctory manner"?

[*Babu Surendranath Banerjee; Mr. Cotton.*]

(*c*) Will the Government be pleased to state what action it proposes to take in the matter, and whether the public enquiry prayed for will be granted?

(*d*) Is it the case that this officer has recently been promoted and appointed Officiating District Magistrate of Burdwan?

The Hon'ble MR. COTTON replied:—

"The answer to paragraphs (*a*), (*b*) and (*d*) of this question is in the affirmative. The Government does not intend to take any further action in the matter or to grant the public enquiry prayed for. The Lieutenant-Governor regrets that this question should have been put after the answer given on the same subject at the last Meeting of Council."

FINES FOR NON-RENEWAL OF ARMS LICENSE.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Whether the attention of the Government has been drawn to some Arms Act cases reported in the *Hitabadi* newspaper of the 21st ultimo? Is it true that one Bainuddee Akan was fined Rs. 25 on the 15th February by Mr. C. Fisher, Joint-Magistrate of Alipore, for neglect to apply for the renewal of his license, despite his having applied for and obtained a new license on the 28th January? Is it also true that on the 17th February another man, named Sheik Bhola Bistree, was fined Rs. 25 by the same Magistrate for a similar delay in applying for the renewal of his license, and that about sixty more cases of this nature were then pending before the same Court?

Does the Government think it desirable that the provisions of the Arms Act should be enforced with such exceptional rigour? If not, will the Government be pleased to take such steps as may be deemed advisable?

The Hon'ble MR. COTTON replied:—

"The facts are substantially as stated in the Hon'ble Member's question. The fines inflicted may be considered to have been severe, but it must be remembered that exemplary punishments are occasionally called for to ensure that the provisions of the law are complied with, and the Joint-Magistrate of

the 24-Parganas has explained that out of 4,340 renewals which were due on the 1st of January last, applications for renewal within that date had, notwithstanding that the date of expiry of the license is clearly entered in each form, been made in 425 cases only. There has been great remissness among the licensees of the district, and it was thought necessary to make an example of some of the offenders. The Government sees no reason to interfere."

POST OFFICES AT POLICE-STATIONS.

The Hon'ble BABU GURU PROSHAD SEN asked—

The words "Government post" and "police-stations" being words used in Act VIII of 1862 (B.C.), as in the Preamble and section 4 of the Act quoted in the margin, and not the words "Imperial Post Office," "Thanas and outposts," in the Act, or any amendment thereof, will it now please the Government, with reference to the reply given to the second half of my question (No. I, on the Zamindari Dak Cess, on the 29th February last, to order the preparation of a statement, district by district, showing in what "police-stations" [words as used in the Preamble to Act VIII of 1862 (B.C.)] a Government post [words as used in section 4 of Act VIII of 1862 (B.C.)] does not exist?

Act VIII of 1862 (B.C.).

Preamble. Whereas the conveyance of letters on the public service, between police officers and *police-stations*, and the Magisterial offices of the districts subject to the Government of Bengal, is defective, &c., &c., &c.

Section 4.—Provided always that no zamindari dak shall be established or maintained under this Act between any two places between which a *Government post* for the time being exists.

The Hon'ble MR. COTTON replied:—

"The Government will place itself in communication with the Postmaster-General, Bengal, with a view to supplying the information desired by the Hon'ble Member."

ZAMINDARI DAK CESS.

The Hon'ble BABU GURU PROSHAD SEN asked—

Will it please the Government to state how, with a five years' settlement, fixing the rates and the amount of the zamindari dak cess for that

period, effect is being given to the provisions of section 5 and section 10 of Act VIII of 1862 (B.C.)?

The Hon'ble MR. COTTON replied :—

"The settlement for five years was introduced by Sir Charles Elliott, for the convenience of Government and zamindars alike, and was concluded outside the provisions of the law to which the Hon'ble Member refers. The fourth year of this settlement is now running. No complaints, so far as the Government is aware, have been made in regard to it, and it would be convenient that it should be continued for the full period; but if serious objection to it is taken by those interested, the Lieutenant-Governor will be prepared to revert to the precise arrangements contemplated by the Act."

PROMOTION OF MUNSIFFS.

The Hon'ble BABU GURU PROSHAD SEN asked—

Has the attention of Government been drawn to the fact that, as matters now stand, members of the Judicial Branch of the Provincial Service have to serve as Munsifs for about twenty-one years before they can expect to be promoted to the rank of Subordinate Judges, and that when they get this promotion, they are, as a rule, about fifty years old?

If the Government consider that this state of things is not conducive to the efficiency of the public service, will it please the Government to take steps for the adoption of adequate measures for its removal?

The Hon'ble MR. COTTON replied:—

"There are now 54 Subordinate Judges in the service and 295 Munsifs, and it follows therefore that promotion to the grade of Subordinate Judges cannot be as rapid as many Munsifs would wish. The Government is not prepared to increase the number of Subordinate Judges merely in order to stimulate promotion. It must be guided in fixing the strength of these establishments solely by the requirements of the work to be done."

[*Babu Guru Proshad Sen; Mr. Risley; Mr. Cotton.*]

PROFIT FROM PROCESS-FEES.

The Hon'ble BABU GURU PROSHAD SEN asked—

Will the Government be pleased to state what was the amount of process-fees realised (1) in the Civil Courts of all classes and grades in the Mufassil, (2) in the Revenue Offices and Courts; and what was the net profit left to Government under each of these two heads after payment of salaries, &c., to the process-servers during the financial year 1894-95?

The Hon'ble MR. RISLEY replied:—

"As process-fees are paid in court-foe stamps and credited as samp revenue, the accounts for the financial year 1894-95 do not show separately the sums realized as process-fees in the Civil Courts. In the High Court's Report on Civil and Criminal Justice for 1894, the receipts from process-fees in the Civil Courts of all classes and grades in the mufassal are shown to have been Rs. 21,78,849 and the charges Rs. 7,31,928. The latter sum, however, does not include charges for contingencies and travelling expenses; and the sum of Rs. 8,14,051, which is shown under the head of Mufassal Civil Courts in the Law and Justice Accounts for 1894-95, more correctly represents the actual expenditure, though even this leaves out of account charges for pensions, stationery, printing, and supervision, and a proportion of the salaries of the muharrirs employed partly on writing out processes. As the receipts can only be given for the calendar year and the charges, subject to the remarks above, for the financial year, it follows that the surplus cannot be accurately stated, though for practical purposes it may be taken to have amounted to about 13 lakhs in 1894-95. In the Revenue Courts the receipts from process-fees during 1894-95 were Rs. 3,78,242 and the expenditure Rs. 2,17,589, leaving a surplus of Rs. 1,60,653."

THE PROTECTION OF MUHAMMADAN PILGRIMS BILL.

The Hon'ble MR. COTTON moved that the Bill to provide for the protection of Muhammadan Pilgrims in the town of Calcutta be referred to a Select Committee, consisting of the Hon'ble Mr. Wilkins, the Hon'ble Nawab Syud

Ameer Hossein, the Hon'ble Maulvi Muhammad Yusuf Khan Bahadur, the Hon'ble Mr. Gladstone, and the Mover. He said:—

"It is unnecessary that I should trouble the Council with any further observations on this Bill, but I may say that the Government have forwarded a copy of the Bill to the leading Muhammadan Associations of Calcutta, with a request that they will favour us with an expression of their opinion upon it, and we have also consulted the Commissioner of Police. Sir John Lambert has replied, stating that he thinks this Bill is well suited to meet the object for which it has been prepared; and he adds, as I am sure you will be glad to hear, that our late colleague, Hajee Maulvi Abdul Jubbar Khan Bahadur, has examined the Bill, and has expressed his entire approval of its provisions."

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR said:—"I have to offer no criticism on this Bill, as the Hon'ble Member in charge of it has done me the honour to put me on the Select Committee. But I may state to the Council, by way of assurance, that I have consulted some of the leading Muhammadans of the leading communities in Calcutta, such as Hadjee Noor Mahomed Zakariah and Suchadeena, and others, and so far as I have been able to ascertain Muhammadan public opinion upon the principle of this Bill, it is in favour of it, and Muhammadans generally consider that this Bill is necessary for the protection of the *Hajees*."

The Motion was put and agreed to.

The Council adjourned to Saturday, the 28th March, 1896.

CALCUTTA;
The 19th March, 1896.

C. E. GREY,
Offg. Assistant Secretary to the Govt. of Bengal,
Legislative Department.

Reg. No. 1057G—300—21-3-96.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met at the Council Chamber on Saturday, the 28th March, 1896.

Present:

The Hon'ble SIR ALEXANDER MACKENZIE, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble SIR CHARLES PAUL, K.C.I.E., Advocate-General.

The Hon'ble H. J. S. COTTON, C.S.I.

The Hon'ble D. R. LYALL, C.S.I.

The Hon'ble C. A. WILKINS.

The Hon'ble C. E. BUCKLAND, C.I.E.

The Hon'ble C. W. BOLTON.

The Hon'ble H. H. RISLEY, C.I.E.

The Hon'ble M. FINUCANE.

The Hon'ble RAI DURGA GATI BANERJEA BAHADUR, C.I.E.

The Hon'ble NAWAB SYUD AMEER HOSSEIN, C.I.E.

The Hon'ble SURENDRANATH BANERJEE.

The Hon'ble J. G. WOMACK.

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR.

The Hon'ble A. M. BOSE.

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR.

The Hon'ble GURU PROSHAD SEN.

The Hon'ble W. B. GLADSTONE.

The Hon'ble M. S. DAS.

NEW MEMBER.

The Hon'ble MR. C. W. BOLTON took his seat in Council.

CONFERENCES OF EDUCATION COMMISSION.

The Hon'ble MR. A. M. BOSE asked—

With reference to the following recommendation of the Education Commission, viz.—

"that Conferences (1) of officers of the Education Department, and (2) of such officers with managers of aided and unaided schools, be held from time to time for the discussion of questions affecting education,"

will the Government be pleased to state when such Conferences were last held; whether their proceedings have been published; whether institutions invited to take part in such Conferences are, or will be, allowed to nominate their own representative or representatives as the case may be; and when such Conferences may be next expected to be held?

The Hon'ble MR. BOLTON replied:—

"Conferences of one or other of the classes referred to were held in 1884, 1886, 1887 (one of each class), and 1891. The latest Conference of class I was held in 1896, to discuss the question of agricultural education. The latest Conference of class II was held in 1895, for the revision of the European School Code. The results of neither Conference have yet been published; but those of the Conference of 1895 are expected to be issued immediately. A Conference by correspondence also took place in 1895, when the authorities of all Colleges in Bengal, Government, aided and unaided, were invited to consider the revision of the Transfer Rules relating to Colleges. The results of this were published.

"Conferences are held when any question of importance arises, upon which the advice of Educational Officers or of Managers of aided and unaided institutions is likely to be useful. No such question is before the Government at present, nor can it be said when the next Conference is likely to be held. Since the transfer of large educational duties to District Boards, however, the necessity for holding Conferences occurs less frequently than was anticipated in 1883.

"When institutions rather than individuals are invited to a Conference, it is usual to allow them to nominate their own representatives, unless, in any case, the presence of a particular person at the Conference is thought desirable."

MR. MORSHEAD'S CIRCULAR.

The Hon'ble MR. A. M. BOSE asked—

Has the attention of the Government been drawn to a Circular alleged to have been issued by Mr. Morshead, Deputy Commissioner of Purulia, and published in the *Amrita Bazar Patrika* of the 6th instant? While the Circular

aims at an object which must command public sympathy, does the Government consider the means adopted to be legal or justifiable? If not, will it be pleased to direct the withdrawal of the Circular.

The Hon'ble MR. COTTON replied:—

"The order of the Deputy Commissioner of Manbhum, to which attention is drawn by the Hon'ble Member, is published as follows in the *Amrita Bazar Patrika* of the 6th March:—

No. 139.

In future no compromise must be allowed by any Magistrate in cases in which persons complain of wrongful confinement or fraudulent recruitment for purposes of emigration without reference to the Deputy Commissioner.

Dated the 7th December, 1895

"The Lieutenant-Governor is advised that there is no illegality in these orders, and that they are indeed distinctly laudable, the object being to control compromises in cases where ignorant coolies are misled by crafty recruiters. The Hon'ble Judges of the High Court have laid down in the case of Murray *versus* Queen-Empress, reported in page 103 of Volume XXI of the Calcutta Series of the Indian Law Reports, that Courts are to scrutinize the terms of the composition in compoundable cases, and satisfy themselves that both parties thereto have, with full knowledge, entered into a legal compromise. Mr. Morshead's order will ensure this being done more efficiently than it would be done if the Subordinate Magistrates, who are occasionally hasty in their desire to get rid of a case, were left altogether to themselves. They will know that the Deputy Commissioner will scrutinise the facts, and they will therefore be unlikely to slur over the case. Moreover, it may sometimes happen that Subordinate Magistrates will allow compromises in cases where an offence outside the sections of the law which permit compromise has been committed. In such cases it is both legitimate and desirable that the District Magistrate should advise his subordinates in their procedure with a view to prevent miscarriage of justice."

[*Mr. Bose.*]

MR. BIDWELL'S CASE.

The Hon'ble MR. A. M. BOSE asked—

Has the attention of the Government been drawn to the two letters given below, published in the *Hitabadi* of the 20th March, and professing one to have been written by Mr. Morshead, Deputy Commissioner of Purulia, and another to have been addressed to him?

PURULIA;
The 8th November, 1895.

DEAR MR. MASEYK,

I am transferring the case to your file from Jadu Babu's, as Mr. Bidwell seems to think that he will not get a fair trial before a Babu. This does not of course mean that his case is not true, but I would ask you to take particular care with it. On the one hand the old man is unscrupulous, but I believe he resorts to violence rather than deceit when he thinks himself injured. At the same time he is uneducated and ignorant, and, like all ignorant people, mixes up what he sees and what he fancies. On the other hand all the people in the neighbourhood are against him, as an unnecessary and troublesome intruder, and probably the Police also, as he caused a head-constable to be dismissed for taking a bribe, and they at first refused to send up the case. It is also on the border of civil and criminal jurisdiction, and it will be necessary to see that it falls on the criminal side. * * * *

I have written about your first class powers.

Yours, &c.,
L. F. MORSHEAD.

MY DEAR MR. MORSHEAD,

After careful perusal of your comments on my judgment in Mr. Bidwell's case, I am sorry I cannot be induced to change my view. I am still of opinion that my remarks on Mr. Bidwell's case are justifiable under the circumstances, and I could not think of retracting them. Apart from this, having regard to section 369, Criminal Procedure Code, I am afraid I would be acting illegally were I to accede to your wishes. The records of the case, as also your comments thereon, are herewith returned.

Yours, &c.,
C. H. MASEYK.

Will the Government be pleased to enquire into the genuineness of the letters, and take such action as to it may seem proper under the circumstances of the case. Is there any foundation for the statement that after Mr. Maseyk had passed his judgment in the case, an attempt was made by the Deputy Commissioner to induce him to alter it; and will the Government lay the Deputy Commissioner's letter or proceeding, if any, on the subject before the Council?

[*Babu Surendranath Banerjee.*]

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(*a*) Will the Government be pleased to enquire whether, as stated in the *itabadi* newspaper, Mr. Morshead, Deputy Commissioner of Purulia, wrote the following letter to Mr. Maseyk, an Honorary Magistrate subordinate to him, in connection with a case in which one Mr. Bidwell was concerned, and which was transferred from the file of a Bengali Deputy Magistrate to the file of the said Honorary Magistrate:—

PURULIA;
The 8th November, 1895.

DEAR MR. MASEYK,

I am transferring the case to your file from Jadu Babu's, as Mr. Bidwell seems to think that he will not get a fair trial before a Babu. This does not of course mean that his case is not true, but I would ask you to take particular care with it. On the one hand the old man is unscrupulous, but I believe he resorts to violence rather than deceit when he thinks himself injured. At the same time he is uneducated and ignorant, and, like all ignorant people, mixes up what he sees and what he fancies. On the other hand all the people in the neighbourhood are against him as an unnecessary and troublesome intruder, and probably the Police also, as he caused a head-constable to be dismissed for taking a bribe, and they at first refused to send up the case. It is also on the border of civil and criminal jurisdiction, and it will be necessary to see that it falls on the criminal side. * * * * *

I have written about your first class powers.

Yours, &c.,
L. F. MORSHEAD.

(*b*) Is it true that subsequent to the disposal of the case by the said Honorary Magistrate, Mr. Morshead tried to induce the trying Honorary Magistrate to modify some observations made by him in the course of his judgement, and that the said Honorary Magistrate wrote the following reply:—

MY DEAR MR. MORSHEAD,

After careful perusal of your comments on my judgment in Mr. Bidwell's case, I am sorry I cannot be induced to change my view. I am still of opinion that my remarks on Mr. Bidwell's case are justifiable under the circumstances, and I could not think of retracting them. Apart from this, having regard to section 369, Criminal Procedure Code, I am afraid I would be acting illegally were I to accede to your wishes. The records of the case, as also your comments thereon, are herewith returned.

Yours, &c.,
C. H. MASEYK.

Does the Government approve of interference of this nature by a district officer with the judicial discretion of a Subordinate Magistrate?

What action does the Government propose to take in the matter?

(*c*) Is not Mr. Morshead the same officer who was deprived of summary powers because of some observations made by the High Court in regard to his judicial work while in charge of the Hajipur subdivision?

The Hon'ble MR. COTTON replied :—

"A copy of the correspondence quoted by the Hon'ble Members was placed in the hands of Government by a third party before it was published in the *Hitabadi*, and the Lieutenant-Governor then caused an enquiry to be made into the facts. The letters are genuine. It is true also that the Deputy Commissioner did try to induce Mr. Maseyk to modify certain remarks in his judgment, imputing maliciousness to Mr. Bidwell. He did not, however, want him to alter the wording of his decision but only to add a note taking away the sting of the remarks, which it was feared might lead to further trouble. This was an indiscretion on Mr. Morshead's part, of which the Commissioner of the Division has taken due notice, and Mr. Morshead has been warned to be more careful in future. The Lieutenant-Governor does not propose to take any further notice of the matter. The case is not a serious one, and it appears clear that no injustice was done."

MR. NORMAN WARDE-JONES' CASE.

The Hon'ble MR. A. M. BOSE asked—

Is the Government now in a position to state the result of the enquiry into the case of Mr. Norman Warde-Jones, late Sub-divisional Officer of Gobindpur? Will it be pleased to lay the papers relating to his case before the Council?

The Hon'ble MR. COTTON replied:—

"The services of Mr. Warde-Jones have been dispensed with. The Government considers that it would serve no useful purpose to lay the papers of the case before the Council."

[*Mr. Bose ; Mr. Bolton.*]

GRADUATE AND PRIVATE SCHOLARSHIPS.

The Hon'ble MR. A. M. BOSE asked—

Will the Government be pleased to state—

(*a*) Whether it is not the fact that the "graduate scholarships," the establishment of which was recommended by the Bengal Provincial Committee of the Education Commission, were specially meant to be not *private* scholarships, but public scholarships, or scholarships not limited to any particular institution, or to any particular section of the community ?

(*b*) Are not the Mohsin and Madrassa Scholarships, which have been referred to as having been established since the date of the Education Commission's Report (in answer to the question on the subject put on the 29th of February), private scholarships? And are they not the result of the recommendations of the Education Commission about "special encouragement of Muhammadan Education" [Rule 7*b* (1), page 597] and about liberal encouragement to "higher English Education for Muhammadans." [Rule 7*b* (7) page 598], and not of the recommendation about the establishment of graduate scholarships, which were to be of a non-private character, referred to in the question ?

(*c*) Are the Presidency College Scholarships, referred to in the same answer, also private scholarships? Were they not in existence from long before the appointment of the Education Commission ?

(*d*) Has any scholarship which is not private been created since the date of the recommendation of the Bengal Provincial Committee, open to graduates reading for the M.A. degree ?

The Hon'ble MR. BOLTON replied :—

"(*a*) The 'graduate scholarships' are contrasted, in the recommendation of the Bengal Provincial Committee, with 'private' or endowed scholarships. The establishment of graduate scholarships by Government is evidently intended by the recommendation. The establishment of Government scholarships for graduates of any particular institution, or belonging to any particular section of the community, would come within the terms of the recommendation.

"(*b*) The Mohsin scholarships are 'endowed' scholarships, created by Government and paid from the Mohsin Endowment Fund. The Madrasa

scholarships are Government scholarships, paid from Provincial Revenues. The former are 'private' in the sense of being endowed scholarships; the latter are 'public' scholarships, though limited to Muhammadans. The recommendations of the Education Commission, referred to in the latter part of the question, did not go beyond the establishment of scholarships for Muhammadans awardable on the results of the First Arts Examination.

"(*c*) The Presidency College graduate scholarships are 'private' in the sense of being endowed scholarships. They were in existence long before the appointment of the Education Commission.

"(*d*) The Madrassa graduate scholarships, above referred to, are not private scholarships, and have been created since 1883. Six Government scholarships of the value of £200 a year each, and tenable for three years in England by graduates who are Natives of India, were created by Home Department Resolution No. $\frac{1}{46-67}$, dated 12th February, 1886. The scholarships were placed at the disposal of the Universities of Calcutta, Bombay, Madras, and the Punjab in rotation."

PUBLIC SCHOLARSHIPS.

The Hon'ble MR. A. M. BOSE asked—

Are there any public scholarships open to candidates on the result of the Entrance or the First Arts Examination of the University? And if so, what is their number and the date of their establishment?

Will the Government be pleased to take into its consideration, as soon as circumstances may permit, the desirability of affording the same encouragement to students reading for the M.A or the highest examination of the University, by the creation of some graduate scholarships open to general competition, as that which it has been graciously affording for so long past to students reading for the B.A. or the F.A. Examination of the University, and thus give effect to the unanimous recommendation of the Bengal Committee of the Education Commission?

The Hon'ble MR. BOLTON replied:—

"There are 50 Government senior scholarships—10 of Rs. 25 a month and 40 of Rs. 20 a month—open to candidates passing the First Arts Examina-

tion. There are 152 Government junior scholarships—10 of Rs. 20, 47 of Rs. 15, and 95 of Rs. 10 a month—open to candidates passing the Entrance Examination. These were established in 1872.

"There are also 20 senior scholarships of Rs. 10 and Rs. 7 a month, and 20 junior scholarships of Rs. 7 a month, limited to Muhammadan candidates. These were created in 1886.

"There are also two senior and three junior scholarships, one of each grade in either case, limited to female candidates. These were created in 1887.

"There are also two junior scholarships of Rs. 8 a month each reserved for candidates of aboriginal races who pass the Entrance Examination. These were created in 1891.

"It is not thought necessary, in the present advancement of higher education in Bengal, to offer any special inducements to candidates reading for the M.A. degree. The number of such candidates has increased from 74 in 1883 to 173 in 1895.

"The Education Commission suggested (Report, page 312, No. 14) that the assignment for Government scholarships tenable in Arts Colleges should not exceed two per cent. of the Provincial grant for education. The Provincial expenditure on education in 1894-95 amounted to Rs. 22,76,285 (Report on Public Instruction for 1894-95, General Table IV, page vii), two per cent. of which would amount to Rs. 45,526. The Provincial expenditure on scholarships tenable in Arts Colleges in the same year was Rs. 73,825, which is over three per cent. of the Provincial expenditure on education. The Government is not prepared to increase the grant for scholarships tenable in Arts Colleges."

DISTRICT BOARD'S RECEIPTS FROM CERTAIN SOURCES.

The Hon'ble Babu Guru Proshad Sen asked—

Are the receipts under Cattle Trespass Act and tolls on Ferries made over to the District Boards on the introduction of the Local Self-Government Act, 1885, *plus* contributions to the Boards from Provincial revenues, equal in amount to the total of all charges on Education, Medical, Famine Works, and additional charges on Civil Works; as also charges on several smaller items thrown on these Boards on the introduction of the aforesaid Act, and to the

total of the amount by which the Provincial revenues had been since then relieved of these charges? If not, will the Government be pleased to relieve the District Boards of charges over and above the receipts under the aforesaid heads, thus enabling them to spend a greater proportion (say one-fifth) of their income from the cess levied under Act IX of 1880 in excavating tanks and wells, and in otherwise providing for the construction and maintenance of any means and appliances for improving the supply of drinking water—one of the objects for which the cess is levied—than the paltry sum of Rs. 43,000 out of an income of Rs. 36 lakhs realised from the proceeds of the cess as in the year ending with 31st March, 1894.

The Hon'ble MR. RISLEY replied:—

"In March, 1888, certain charges on account of Education, Medical, Pounds and Ferries were made over to District Boards with the corresponding receipts, and a grant from Provincial revenues was made at the same time so as to equalise income and expenditure. During the year 1894-95, the expenditure of the Boards under these heads, including Famine Works, amounted to Rs. 13,65,923 and their income to Rs. 14,16,997, leaving a surplus of Rs. 51,072. This does not include Civil Works transferred from Provincial to Local, for each of which separate allotments have been made from time to time. During 1894-95 the Boards spent Rs. 63,768 on the improvement of water-supply, and in paragraph 48 of the Resolution reviewing the reports on the working of District Boards for that year, each Board was urged to set apart at least Rs. 5,000 a year for that purpose.

"The attention of the Boards will now be specially drawn to the existing scarcity of water, and they will be asked to take such steps as are possible in the circumstances."

STAMP REVENUE.

The Hon'ble BABU GURU PROSHAD SEN asked—

Will the Government be pleased to state whether there is any return published in any of the Reports of the Stamp Revenue, showing how much court-fees are realised from suits compromised, withdrawn, decided *ex parte*, or in which the judgment is confessed?

Is the Government in a position to say what amount of revenue, out of the total amount of Stamp revenue, is derived (1) from court-fees, (2) the process-fees, in these cases? Are not these for the most part cases in which the raiyats and the poorer classes of the community are concerned?

The Hon'ble MR. RISLEY replied:—

"The reply to the first head of the question asked by the Hon'ble Member is, No.

"The reply to the second head is, No.

"The reply to the third is, that the accounts kept by Government do not show separately the amount of stamp-fees realised in contested and uncontested cases, nor is there any information before Government regarding the status and circumstances of the parties who are for the most part concerned in uncontested cases."

ZAMINDARI DAK CESS.

The Hon'ble BABU GURU PROSHAD SEN askd—

Will the Government be pleased to state whether the Zamindari Dâk cess is paid by Government, when it holds zamindari estates as a landlord? If not, does not the incidence of the cess fall heavily on the other holders of estates, especially in districts where a great part of it is held by Government as its zamindari?

The Hon'ble MR. BOLTON replied:—

"The position of the Government in regard to liability to the Zamindari Dâk cess is explained in the following rule, which will be found on page 39 of the Miscellaneous Volume of the Board's Rules, 1888:—

'It has been decided by Government, after consultation with the Legal Remembrancer, that the Collector is not a zamindar who pays revenue to Government within the meaning of section 3 of Bengal Act VIII of 1862 in respect to Government estates, and that in a Government estate under direct management the raiyats are not persons who come under the description of "persons paying revenue direct to Government," such as zamindars and sadar farmers mentioned in that section. It is, therefore, held (*a*) that as in a Government estate under direct management there is no sadar jama within the

meaning of section 5 upon which the rate for Zamindari Dâk cess can be assessed, no Zamindari Dâk cess is payable by such an estate; (*b*) that in estates the property of Government let on farming leases, the farmer is liable to pay the assessment; (*c*) that in estates the property of individuals which are let on farming leases, in consequence of the refusal of the proprietors to take settlement, the farmer is liable; and (*d*) in the case of estates of the same kind as class (*c*) but managed directly by Government, and not let on farming leases, no person is liable. Under this explanation it is only sadar malguzars under revenue engagements to Government who can be called upon to pay the cess, which in fact only represents the old customary liability of such malguzars to forward police reports of crime, and district officers are to be guided accordingly. It follows that no provision is necessary for the payment of the Zamindari Dâk cess on account of estates, whether the property of Government or of private individuals, which are held under the direct management of the Collector.'

ZAMINDARI DAK CESS UNDER THE FIVE YEAR'S SETTLEMENT.

The Hon'ble BABU GURU PROSHAD SEN asked—

What is the incidence of the Zamindari Dâk cess in a hundred rupees of Government revenue under the five years settlement of 1892, and what was this incidence in the five preceding years? What is the total amount of cess now raised, and what was the total amount of it in the five preceding years?

The Hon'ble MR. BOLTON replied:—

"The information asked for in the first part of this question can only be obtained by local enquiries in each district, which the Lieutenant-Governor does not think it worth while to make.

"The total amount of Zamindari Dâk cess realised during the past six years is as follows:—

[*Mr. Bolton ; Babu Guru Proshad Sen ; Rai Eshan Chundra Mittra Bahadur.*]

					Rs.
1889-90	...	...	...	...	3,71,441
1890-91	...	..	...	...	3,61,029
1891-92	...	...	...	...	3,64,736
1892-93	...	...	...	...	4,37,411
1893-94	...	...	...	...	4,30,000
1894-95	...	...	...	...	3,90,886 "

CONTROL OVER ZAMINDARI DAK CESS FUND.

The Hon'ble BABU GURU PROSHAD SEN asked—

Will it please Government to state whether this Government exercises any sort of control over the expenditure of the money raised by the levying of the Zamindari Dâk cess? Is any detailed account of the receipts and expenditure published? If so, in which of its reports?

The Hon'ble MR. BOLTON replied :—

"The estimates of the Postal Department for the establishments paid out of the Zamindari Dâk cess are checked annually by the Collector and the Commissioner and are reviewed by the Government. Annual detailed statements of the receipts and charges are also submitted to the Government.

"Detailed accounts of the receipts and expenditure of the cess are not published by the Government."

SANITATION IN BENGAL JAILS.

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR asked—

Has the attention of Government been drawn to an article on "Sanitation in Bengal Jails" by Brigade-Surgeon Lieutenant-Colonel W. H. Gregg, published in the *Calcutta Review* of January last, showing the extraordinary success that attended the introduction of some simple sanitary precautions in the Hooghly Jail, resulting in entire cessation of dysentery and some other diseases, and the marked improvement in the general health of the prisoners?

(*a*) Has the Government received any official report on the subject?

(*b*) If so, has the Government taken any action on the report?

[*Rai Eshan Chundra Mittra Bahadur; Mr. Cotton; Mr. Bolton.*]

(*c*) If not, will the Government be pleased to endeavour to bring about the introduction of those special sanitary improvements referred to in the article in question consisting of an improved dietary, improved ventilation, a supply of disinfected and wholesome water, and an allowance of sufficient clothing in all unhealthy jails in Bengal?

The Hon'ble MR. COTTON replied:—

"The Government has received an official report on the subject of the Hon'ble Member's question from the Commissioner of the Burdwan Division. That officer has taken exception to the accuracy of some of the statistics published by Dr. Gregg, and further enquiry has been ordered into the matter. In the meantime the Lieutenant-Governor desires to assure the Hon'ble Member that the greatest possible attention is bestowed on dietary, ventilation, water-supply and clothing in all the Jails in Bengal. A reference to recent Jail Reports will show what has been done, and the efforts in this direction, which were persistent during the past year, are systematically continued."

EXCESS SCHOOLING FEES FOR UNIVERSITY ENTRANCE EXAMINATION.

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR asked—

Is the Government aware that since 1891, candidates for the University Entrance Examination in Government schools are required to pay schooling fees for sixteen months, from February of one year to May of the succeeding year, instead of 12 months, as was the rule before?

(*a*) Will the Government be pleased to consider whether or not this rule causes hardship to the said class of students, and will the Government be pleased to pass such orders on the subject as it thinks fit.

The Hon'ble MR. BOLTON replied:—

"The question is understood to refer to Rule X of the Transfer Rules for High Schools, which runs as follows:—'A student shall not be sent up to the Entrance Examination until he has paid all sums due to the institution in which he has been reading, including fees up to the end of the session in May.' The

rule is not, as the question suggests, confined to Government schools, but is applicable to all classes of high schools, whether Government, aided or unaided.

"(*a*) The rule affirms the principle that fees are payable by students up to the close of a session, which the Government accepts as a salutary principle. The rule has been in operation from 1889, and no complaint against it has been made by the managers of schools. The Government, as at present advised, sees no necessity for altering it."

MUNSIFFS FOR ORISSA.

The Hon'ble MR. M. S. DAS asked—

In appointing Munsifs for Orissa, will the Government be pleased to take into consideration the superior claims of candidates who, having obtained their B. L. degree from the Cuttack Ravenshaw College, are practising as pleaders in Orissa, and who have consequently a knowledge of the language and of all that is peculiar to Orissa.

The Hon'ble MR. COTTON replied:—

"The Lieutenant-Governor will place himself in communication with the High Court on the subject of the Hon'ble Member's question."

REDUCTION OF FEES IN SMALL CAUSE COURT SUITS.

The Hon'ble MR. WOMACK asked—

Will the Government be pleased to state if any, and if so what, decision has been come to regarding a reduction of the institution and other fees on suits in the Court of Small Causes?

The Hon'ble MR. COTTON replied:—

"The Lieutenant-Governor, after consulting the High Court and the Chief Judge of the Small Cause Court, is of opinion that some reduction should be made in the rate of institution fees in Small Cause Court cases in Calcutta which are valued at five hundred rupees and under. His Honour has caused a representation on the subject to be made to the Government of India."

[*Mr. Womack; Mr. Cotton; Mr. Risley.*]

REFORMS IN SMALL CAUSE COURT.

The Hon'ble MR. WOMACK asked—

Will the Government give any information in its possession respecting the probability of the early introduction of reforms in the practice and procedure of the Court of Small Causes ?

The Hon'ble MR. COTTON replied :—

"A memorial submitted by the Calcutta Trades' Association suggesting certain reforms in the practice and procedure of the Calcutta Court of Small Causes was received by this Government and is still under the consideration of the Hon'ble Judges of the High Court, to whom it was transmitted for the favour of a report."

BENGAL FINANCIAL STATEMENT FOR 1896-97.

The Hon'ble MR. RISLEY laid on the table the Bengal Financial Statement for 1896-97 with explanatory notes.

BENGAL FINANCIAL STATEMENT FOR 1896-97.

PART I.—General Review.

(1) ACCOUNTS OF 1894-95.

1. The accounts of 1894-95, as presented to the Council this time last year, were estimated to work out to a surplus of Rs. 7,49,000. As the actuals now stand, they are better by Rs. 9,49,000 owing mainly to an improvement of $3\frac{1}{4}$ lakhs on the revenue side, and a diminution of $6\frac{1}{4}$ lakhs in expenditure, chiefly under Customs establishment ($1\frac{1}{4}$ lakhs), Stationery stores supplied to Government offices and Presses (3 lakhs), Irrigation works ($1\frac{3}{4}$ lakhs) and Land Revenue ($\frac{1}{4}$ lakh).

(2) REVISED ESTIMATE OF 1895-96.

2. The receipts of the current year are now estimated at Rs. 4,56,39,000 against Rs. 4,41,97,000 anticipated when the Budget was first framed, and the total expenditure will probably amount to Rs. 4,44,10,000 against Rs. 4,43,08,000, the original sanctioned grant for the year. The net result is

a surplus of Rs. 12,29,000 against a deficit of Rs. 1,11,000 anticipated last year. The chief causes of this are (*a*) the restoration of the special contribution of 3 lakhs made to the Imperial Treasury in the preceding year, (*b*) an unexpected increase of more than 4½ lakhs in railway receipts owing to the brisk traffic in jute, (*c*) a diminution in the charges for exchange compensation allowance (nearly 1¾ lakhs) owing to the rise in the rate of exchange, and (*d*) a large increase of receipts under Jails, Marine and Miscellaneous and minor improvement under almost all revenue heads.

(3) BUDGET ESTIMATE 1896-97.

3. The Budget estimate for 1896-97, as finally passed by the Government of India, accepts Rs. 55,51,000 as the opening balance, and provides for receipts aggregating Rs. 4,46,36,000 and expenditure Rs. 4,67,47,000, leaving a closing balance of Rs. 34,40,000.

4. It is estimated that on the whole the receipts, which are only Rs. 13,000 better than the actuals of 1894-95, will be less by Rs. 10,03,000 than the revised estimate for the current year, which has been swollen by the special causes referred to above.

5. On the expenditure side the total grant exceeds the revised estimate of 1895-96 by Rs. 23,37,000, of which Rs. 13,51,000 is under Civil Works, Rs. 2,18,000 under Irrigation and Navigation, Rs. 1,26,000 under Judicial Courts, Rs. 1,09,000 under Land Revenue, Rs. 1,61,000 under Education, Rs. 1,28,000 under Medical, Rs. 90,000 in half share under Forest, Rs. 51,000 under Salt, Rs. 37,000 under Marine, and Rs. 62,000 under Superannuation charges. The amount of the grant for civil works is a fair measure of the prosperity of the Provincial finances. The comparatively large provision under this head, though still falling short of the full requirements of the Province, makes up to some extent for the severe economy imposed by the financial necessities of several years past. A part of the larger grants for Revenue and Civil Departments is for expenditure of a nature which must increase with the natural development of the administration. At the same time the charges on account of Exchange Compensation Allowance have been reduced by Rs. 1,09,000, and now stand at Rs. 8,13,000 for 1896-97, against Rs. 9,22,000 for 1895-96.

6. The net result is that the total revenue of the year, together with the opening balance, is taken at Rs. 5,01,87,000, and the grant for expenditure at

Rs. 4,67,47,000, so that the year is estimated to close with a credit balance of Rs. 34,40,000.

PART II.—Details of the Accounts and Estimates.

SECTION I.—THE ACCOUNTS OF 1894-95.

7. In the Financial Statement, which was laid before the Council on the 23rd March 1895, it was assumed that the year 1894-95 had opened with a credit balance of Rs. 26,24,000, and had closed with a credit balance of Rs. 33,73,000; that the total amount available for expenditure during the year, less the minimum working balance of Rs. 20,00,000 reserved under the orders of the Secretary of State, was Rs. 4,49,21,000, and that out of this sum Rs. 4,35,48,000 had been spent. The actual result proves to have been better than this estimate by Rs. 9,49,000. The amount available for expenditure was Rs. 4,52,47,000, and the amount actually expended Rs. 4,29,25,000 against Rs. 4,29,09,000, the total expenditure of the preceding year, so that the closing balance for 1894-95 was Rs. 43,22,000 instead of Rs. 33,73,000 taken in the revised estimate. This improvement was caused by the actual receipts exceeding the estimate by Rs. 3,26,000, while, at the same time, the expenditure fell below the estimate by Rs. 6,23,000.

8. The increase in receipts was chiefly (1) under Land Revenue collections (Rs. 71,000), mainly from Government Estates; (2) under Salt (Rs. 21,000), from Rents of warehouses; (3) under Assessed Taxes (Rs. 32,000), due partly to careful assessment and partly to the rise in exchange compensation allowance raising the aggregate of taxable salaries; (4) under Jails (Rs. 72,000), from increased sale of manufactures chiefly to the Military Department; (5) under Miscellaneous (Rs. 78,000), owing to larger lapses of unclaimed deposits and larger receipts from Partition fees and fees for the survey of tea lands; (6) under Railways (Rs. 32,000), a nominal increase due to fluctuations under "traffic suspense heads," and (7) under Irrigation Receipts (Rs. 58,000), due to the recovery of outstanding demands and better collection of tolls on the Midnapore canal. There were also smaller increases of Rs. 18,000 under Interest on Loans, especially on drainage and embankment advances, and Rs. 19,000 under Scientific and other Minor Departments for increased sale of cinchona alkaloids, &c. Under the head of adjustments between Imperial and Provincial, there was a decrease of Rs. 73,000, due mainly to a credit for only Rs. 68,000 having been given to Provincial instead of for Rs. 1,64,000

taken in the estimate for the increase of Customs establishments, consequent on the re-imposition of import duties. Increased credits were, however, obtained for Imperial Buildings transferred to Local, and on account of the reservation of the Western Duars for khedda operations under the Military Department.

9. The decrease of expenditure was chiefly (1) under Customs (Rs. 1,28,000), owing to the full establishment and increases of salaries sanctioned for the Department not having been entertained or paid during the year; (2) under Stationery and Printing (Rs. 2,91,000), chiefly in the value of stationery stores supplied for Government offices and Presses; (3) under Irrigation and Navigation (Rs. 1,86,000), owing to diminished outlay on works repairs of the Sone Canals and Minor Works; and (4) under Management of Government Estates—(Rs. 32,000).

10. The net result was a surplus of Rs. 16,98,000 on the year, against Rs. 7,49,000 anticipated when the revised estimate was passed.

SECTION II.—THE REVISED ESTIMATE OF 1895-96.

11. The budget estimate for 1895-96, as adopted by the Government of India, assumed that the year would open with a credit balance of Rs. 33,73,000, and that the total revenue would amount to Rs. 4,41,97,000 and the total expenditure to Rs. 4,43,08,000, so that the year would close with a balance of Rs. 32,62,000. The latest estimate available for the accounts of the year puts the total receipts at Rs. 4,56,39,000, which is better than was originally expected by Rs. 14,42,000, and the expenditure at Rs. 4,44,10,000, which gives an increase of Rs. 1,02,000 only. Including the increase of Rs. 9,49,000 in the opening balance, the net result is an improvement of Rs. 22,89,000 on the original estimate for the year.

12. Half of the increase in receipts is under "Principal Heads of Revenue," and is caused by the repayment of the special contribution of three lakhs made to the Imperial Revenues in 1894-95; and by increases of Rs. 1,50,000 in the one-fourth share of Excise, of Rs. 75,000 in the half share of Assessed Taxes, of Rs. 60,000 in the three-fourth share of Stamps, of Rs. 80,000 under rents of Salt warehouses, of Rs. 45,000 in the half share of Forest receipts, and of smaller amounts under other heads, against a decrease of Rs. 30,000 under Registration. The Railways show an improvement of Rs. 4,63,000

caused by the carriage of a specially large jute crop. There is an increase of Rs. 1,59,000 in Miscellaneous Receipts, and of Rs. 93,000 under Civil Departments, of which Rs. 65,000 comes under Jail Manufactures and Rs. 50,000 under Marine, against decreases under other heads.

13. The net increase in expenditure is, as stated above, Rs. 1,02,000, which is made up of an increase of Rs. 3,47,000 under Civil Works and of Rs. 99,000 under Contributions to Local Funds for increased grants to primary education and Civil Works, against decreases of about a lakh in heads which are classed as "Direct demand on the Revenues;" of nearly a lakh in "Salaries and expenses of the Civil Department;" of nearly Rs. 60,000 under Miscellaneous, chiefly under Stationery and Printing; of Rs. 64,000 under Irrigation and Navigation; and of Rs. 17,000 under Interest payable to the Imperial Government on allotments for loans. A part of the decrease in Revenue and Civil heads is due to the rate of exchange above the figure assumed for the calculation of the cost of exchange compensation allowances. The average taken for this purpose in the original budget was 13*d.* the rupee, whereas the four quarterly rates, with reference to which the allowances have been paid, yielded an average for the whole year just over 13¼*d.* This saving which affects almost all the expenditure heads of the estimate, amounted to Rs. 1,71,000 in the Bengal Provincial account only, the total payments being now estimated at Rs. 9,22,000, against Rs. 10,93,000 originally provided for in the budget. The net result of these variations from the budget of 1895-96 is an increase in the closing balance of Rs. 22,89,000, from Rs. 32,62,000 to Rs. 55,51,000.

SECTION III.—THE BUDGET ESTIMATE OF 1896-97.

RECEIPTS.

14. *Land Revenue.*—The total collections under Land Revenue in 1894-95 amounted to Rs. 3,89,10,000, and the estimate for 1896-97, as passed by the Government of India, is Rs. 3,89,47,000, which includes Rs. 2,00,000 for recoveries of the landlords' and tenants' shares of the cost of the Bihar Survey. The 12 per cent. on collections from Government estates yielded in 1891-92, Rs. 4,69,000; in 1892-93, Rs. 4,74,000; in 1893-94, Rs. 4,79,000; and in 1894-95, Rs. 4,84,000, while the estimate for 1896-97 stands at Rs. 4,90,000.

15. The *adjustments* between Imperial and Provincial will probably result in a net transfer of Rs. 12,00,000 to Imperial in 1896-97, as shown below:—

[*Mr. Risley.*]

	Estimate, 1896-97. Rs.
From Imperial to Provincial—	
Advance for the Hijili Tidal Canal	24,000
Grant for transfer of Imperial buildings to the charge of local bodies	10,000
Assignment for Gnatong Police	16,000
(*a*) Grant to meet the cost of additional Customs establishment	2,12,000
Salary of a Probationer Gardener for the Royal Botanic Gardens	2,000
(*b*) Towing charges of *Rhotas*	10,000
	2,74,000
From Provincial to Imperial—	
Lump contribution under the contract	14,39,000
Interest on advance for the Hijili Tidal Canal ...	30,000
(*c*) Contribution towards the cost of a tower clock to be set up at the General Post Office	5,000
	14,74,000
Net transfer from Provincial to Imperial ...	12,00,000

(*a*) The Government of India, while passing orders on the budget for 1895-96, allowed for an assignment to Provincial revenues of Rs. 2,64,000 for the additional establishment to be entertained in the Calcutta Custom House, owing to the passing of the Tariff Acts, VIII and XVI of 1894. Since then. in the Finance and Commerce Department letter No. 3356Ex., dated the 16th July 1895, the Government of India have sanctioned an additional establishment, costing Rs. 17,667-6-8 a month. A credit of Rs. 17,667-6-8 × 12, or Rs. 2,12,000, has accordingly been taken in the estimate for 1896-97.

(*b*) The charge for towing the *Rhotas* for His Honour the Lieutenant-Governor's tour has been provincialized with an annual assignment of Rs. 10,000, and this amount has accordingly been entered in the estimate for 1896-97.

(*c*) A grant of half the cost of an illuminated clock to be erected on the General Post Office in Calcutta, not exceeding Rs. 5,000, has been promised to

the Postal Department, and a debit of this amount has accordingly been made against the Provincial share of Land Revenue in 1896-97.

16. Owing to these adjustments the estimates of the Provincial share of Land Revenue will stand thus:—

	Estimate, 1896-97. Rs.
Gross Land Revenue	3,89,47,000
Deduct 12 per cent. on estimated collections from Government estates (Provincial)	4,90,000
,, Recoveries on account of Bihar survey and settlement charges (Imperial)	2,00,000
Total deductions ...	6,90,000
Net amount divisible between Imperial and Provincial Funds	3,82,57,000
Provincial share of above (one-fourth)	95,64,000
Add 12 per cent. collections (wholly Provincial) ...	4,90,000
Total Provincial share	1,00,54,000
Deduct on account of adjustments	12,00,000
Net Provincial share	88,54,000

17. *Salt.*—The budget estimate of Provincial receipts for 1895-96 was Rs. 95,000, but the actuals of the twelve months ending 30th September amounted to Rs. 1,73,615, and later actuals point to a further increase in consequence of the continued high importation of salt, involving a larger demand for accommodation in bonded warehouses. Both the revised estimate for 1895-96 and the estimate for 1896-97 have been placed at Rs. 1,75,000.

18. *Stamps.*—The estimate of stamp revenue for 1895-96 was passed by the Government of India for Rs. 1,67,00,000. The latest returns from the Comptroller-General show that the receipts during the first eleven months of the year exceeded those of the corresponding period of last year by about Rs. 80,000. The actual receipts in 1894-95 amounted to Rs. 1,67,03,000. In view of the increase that has already occurred, both the

revised estimate for 1895-96 and the estimates for 1896-97 have been placed at Rs. 1,67,80,000, and the Provincial share of three-fourths amounts to Rs. 1,25,85,000. Of the increase two-thirds is in general stamps and nearly one-third in court-fee stamps and plain paper to be used with court-fee stamps.

19. *Excise.*—The revenue from Excise for 1895-96 was estimated at Rs. 1,27,00,000. The actuals of 1894-95 amounted to Rs. 1,25,62,000, and the figures of the first 11 months of 1895-96 show an increase of nearly seven lakhs over the actuals of the corresponding period of the preceding year, while the settlement of Excise shops for the year has yielded a net increase of Rs. 3,95,000 under License fees over and above the demand for 1894-95. The estimate has accordingly been raised to Rs. 1,33,00,000 for 1895-96, and the same figure has been adopted for 1896 97. The Provincial share of one-fourth is Rs. 33,25,000.

20. *Provincial Rates.*—The budget estimate of receipts from Provincial Rates for 1895-96 amounts to Rs. 42,81,000. The actual collections of the Public Works Cess in 1894-95 amounted to Rs. 41,79,000, and the average actuals of the past three years were Rs. 41,69,000. In view of these figures and of revaluations now in progress, the Revised Estimate has been placed at Rs. 41,70,000, and the budget estimate for 1896-97 at Rs. 41,80,000. The estimate of receipts under "General rates for the management of private estates" is Rs. 1,40,000 against Rs. 1,35,000, the budget estimate for the current year, and Rs. 1,29,000, the actuals of 1894-95. The collections in the first eight months of the current year amounted to Rs. 64,670, against Rs. 32,814 in the corresponding period of last year, showing an increase of Rs. 31,856. The revised estimate has accordingly been raised to Rs. 1,40,000, and this figure has been adopted for 1896-97.

21. *Customs.*—The original estimate of Provincial receipts for 1895-96 was Rs. 61,000. The actuals of 1894-95 were Rs. 73,000, and those of the first seven months of 1895-96 exceeded the actuals of the corresponding period of 1894-95 by Rs. 12,000. Both the revised estimate for 1895-96 and the estimate for 1896-97 have been placed at Rs. 81,000 with reference to the fact that the imposition of the import duties tends to raise the receipts from fines and confiscations.

22. *Assessed Taxes.*—The budget estimate of receipts from Income-Tax for 1895-96 was passed by the Government of India for Rs. 45,00,000. The

actual collections of last year amounted to Rs. 45,63,000, and those of the twelve months ending 31st January were Rs. 46,46,000. Both the revised estimate for 1895-96 and the estimate for 1896-97 have been placed at Rs. 46,50,000 with reference to past actuals. The Provincial share of one-half is Rs. 23,25,000.

23. *Forest.*—The receipts of the Forest Department are now estimated at Rs. 9,00,000 for 1895-96 and Rs. 12,70,000 for 1896-97 against Rs. 7,96,000, the actuals of 1894-95. The increase is due to contracts undertaken by the department for the supply of sleepers to the East Coast and Rai Bareili-Benares Railways. Increased provision has also been made on the expenditure side for the preparation and carriage of these sleepers, so that the net receipts are estimated at Rs. 3,10,000 for 1895-96 and Rs. 5,00,000 for 1896 97 against Rs. 3,99,000, the actuals of 1894-95. The low estimate of net receipts for 1895-96 is due to the heavy outlay incurred on the preparation and collection of sleepers, most of which cannot be supplied during the year. The Provincial share is one-half.

24. *Registration.*—The budget estimate of receipts for 1895-96 was Rs. 14,00,000 against Rs. 13,56,000, the actuals of 1894-95. While framing the budget for 1895-96, it was anticipated that, notwithstanding the reduction of the minimum *ad valorem* fee on documents not exceeding Rs. 50 in value from 12 annas to 8 annas, the loss in the receipts would be recouped by an increase in the number of registrations. This expectation has not been fulfilled, as the actuals of the twelve months ending 31st January 1895 were only Rs. 13,39,000. The revised estimate has accordingly been placed at Rs. 13,40,000. The estimate for 1896-97 is Rs. 13,65,000, which includes a small receipt from fees for registering mutations under the Land Records Maintenance Act, 1895, which has recently been extended to certain thanas in North Bihar.

25. *Interest.*—The estimate of loans for 1896-97 as passed by the Government of India provides for a return of Rs. 2,67,000 under interest in 1896-97, thus:—

	Rs.
Interest on advances to cultivators	24,000
Do. on drainage and embankment advances	40,000
Do. on loans to Notabilities	5,000
Do. on loans to Municipalities and other local authorities	1,41,000

[*Mr. Risley.*]

	Rs.
Miscellaneous including interest on Government securities in deposit for the Education Department	57,000
	2,67,000

26. *Post Office.*—The Provincial receipts consist of recoveries made from the Zamindari Dák Fund on account of establishment employed in the Post-master-General's office, and have been estimated at Rs. 5,000 for 1896-97 against Rs. 4,402, the actuals of 1894-95.

27. *Law and Justice—Courts of Law.*—The estimate of Rs. 8,80,000 is based on the average actuals of the last three years, which came to Rs. 8,68,000 in 1892-93, Rs. 8,97,000 in 1893-94, and Rs. 8,73,000 in 1894-95.

28. *Law and Justice—Jails.*—The estimate under this head is Rs. 8,58,000, and is based on the average actuals of the last five years. It is lower by Rs. 77,000 than the revised estimate for 1895-96, which included receipts on account of very large supplies of manufactured articles to the Military Department.

29. *Police.*—The estimate under this head amounts to Rs. 2,01,000 against Rs. 2,37,000, the actuals of 1894-95. The reduction is chiefly due to the transfer of the District Chaukidari Reward Fund to Local Fund Accounts.

30. *Marine.*—The budget estimate of total receipts for 1895-96 was Rs. 9,40,000. This has been raised to Rs. 9,90,000 in the revised estimate, with reference to the actuals of the 12 months ending 31st January 1896, which amounted to Rs. 9,92,000, owing to unusually high receipts under Pilotage. The estimate for 1896-97 is Rs. 9,35,000, and is based on the average actuals of past years.

31. *Education*—The estimate under this head amounts to Rs. 5,69,000, which is based on the actuals of 1894-95.

32. *Medical.*—The estimate of Rs. 2,05,000 follows the actuals of 1894-95.

33. *Scientific and other Minor Departments.*—The estimate for 1896-97 amounts to Rs. 2,34,000 against Rs. 2,37,000, the revised estimate for 1895 96, and Rs. 2,04,000, the actuals of 1894-95. The increase over the actuals of 1894-95 is due to the increased demand for quinine in pice-packets, while the decrease,

compared with the revised estimate of 1895-96, is due to lower receipts from Emigration fees.

34. *Superannuation receipts.*—The estimate of Provincial receipts for 1895-96 amounts to Rs. 68,000, and this has been raised to Rs. 70,000 both in the revised estimate for 1895-96 and in the estimate for 1896-97, with reference to the actual demands as calculated by the Accountant-General.

35. *Stationery and Printing.*—The estimate for 1896-97 has been taken at Rs. 1,32,000, with reference to the actuals of 1894-95.

36. *Miscellaneous.*—These receipts necessarily fluctuate largely. The actuals were as follows:—

	Rs.
1890-91	7,70,000
1891-92	8,36,000
1892-93	8,27,000
1893-94	8,63,000
1894-95	10,12,000

The estimate for 1896-97 is Rs. 8,75,000, while the revised estimate for 1895-96 is Rs. 10,21,000. The revised estimate includes Rs. 93,000, being the balance of the deposits which lapsed on the 31st March 1895, but which were not transferred to the credit of Government till 1895-96. Partition fees were unusually high in 1894-95 and in 1895-96.

37. *Railways.*—Under the terms of the Provincial contract, the Local Government has been relieved of all responsibility in the matter of railway administration, but the Province receives half the net earnings of the Eastern Bengal State Railway. The Government of India entered the Provincial share of these receipts for 1895-96 at Rs. 41,13,000 against Rs. 43,32,000, the actuals of 1894-95. For next year the estimate has been placed at Rs. 36,63,000, which may be taken as a normal figure. The high actuals of 1894-95 and 1895-96 were due to an unusually large jute crop.

38. *Irrigation.*—Receipts from Major Works are taken at the same figure as in the budget for 1895-96, as the falling off in the collections of water-rate on the Sone Canals, which is shown in the revised estimate for that year, is believed to be unlikely to recur. Under Minor Works in charge of the Public Works Department, the budget estimate of 1895-96 has been slightly raised. The decline under Minor Works in charge of Civil Officers is due mainly to the transfer of certain recoveries to the Provincial Loan Account.

39 *Civil Works.*—The estimate of Rs. 1,80,000 is the same as in the current year. The actuals of 1894-95 and the revised estimate of 1895-96 were swollen by special items of receipt.

EXPENDITURE.

40. *Land Revenue.*—The total expenditure under Land Revenue for 1896-97 is estimated at Rs. 37,29,000 against Rs. 36,88,000, the budget grant for 1895-96. The increase is due to a special provision of Rs. 50,000 for the purchase of a sea-going steamer for the Commissioner of the Sundarbans. Larger provision has also been made for expenditure on improvements in Government estates.

41. *Salt.*—The revised estimate of expenditure for 1895-96 is Rs. 52,000 against Rs. 36,000, the budget grant for the current year, and Rs. 63,408, the actuals of the twelve months ending 30th September 1895. The latter figure includes Rs. 11,106 on account of the salary and travelling allowance of Mr. Ashton of the Northern India Salt Department, who was deputed to enquire into the illicit manufacture of salt in the saliferous tracts on the sea coast of Bengal. Excluding this amount, the normal actuals of the above period amounted to Rs. 52,302 only. The expenditure for 1896-97 is estimated at Rs. 53,000 against Rs. 36,000, the budget grant for the current year. The increase of Rs. 17,000 is due partly to the increased provision made for extra accommodation required for the storage of salt at the Kidderpore Docks, and partly to a provision for two extra clerks and four servants in Balasore. A further sum of Rs. 50,000 has been added in order to provide for a possible increase in the preventive establishment in the saliferous tracts.

42. *Stamps.*—The estimate of expenditure for 1896-97 amounts to Rs. 6,67,000 against Rs. 6,95,000, the budget estimate for the current year, and Rs. 6,52,000, the actuals of 1894-95. The fluctuations under the main heads are shown below:—

	Actuals, 1894-95	Budget estimate, 1895-96	Estimate, 1896-97
	Rs.	Rs.	Rs.
Superintendence ...	80,000	86,000	90,000
Charges for the sale of general stamps	1,04,000	1,08,000	1,07,000
Charges for the sale of court-fee stamps	1,18,000	1,18,000	1,22,000
Discount on plain paper ...	15,000	14,000	15,000
Stamp paper supplied from Central Stores ...	3,35,000	3,69,000	3,33,000
Total ...	6,52,000	6,95,000	6,67,000

[*Mr. Risley.*]

The increase under "Superintendence," as compared with the actuals of 1894-95, is mainly due to the provision made for the full salary of the post of the Superintendent of Stamps and Stationery, on account of the return of the permanent incumbent from furlough. In view of the increased receipts, small increases have been provided for under the heads of charges for the sale of stamps. On the other hand, a smaller expenditure is estimated for "Stamp paper supplied from Central Stores," the estimate under this head being Rs. 3,33,000 against Rs. 3,35,000, the actuals of 1894-95.

43. *Excise.*—The following table compares the estimate for 1896-97 with the budget estimate for 1895-96 :—

Heads of expenditure.	Budget esimate, 1895-96.	Budget estimate 1896-97.
	Rs.	Rs.
Superintendence	70,000	69,000
Presidency Establishment	92,000	94,000
District Executive Establishment ...	3,41,000	3,70,000
Distilleries	1,61,000	1,78,000
Total ...	6,64,000	7,11,000

A sum of Rs. 10,000 has been provided under District Establishment for the supply of uniforms to the Excise Detective Staff, and a further sum of Rs. 10,000 has been provisionally entered with reference to possible changes in the method of taxing tari in certain districts. The estimate also includes a larger provision for the payment of rewards to informers.

Under "Distilleries" the estimate for construction and repairs of distillery buildings has been raised from Rs. 27,000 in 1895-96 to Rs. 30,000 for 1896-97 in view of probable requirements, as reported by the Excise Commissioner. This grant is, however, exclusive of the cost of reconstructing the vat and still sheds of the Russa Distillery, estimated at Rs. 24,000, for which provision has been made under Civil Works.

44. *Provincial Rates.*—The Provincial expenditure for 1896-97 has been estimated at Rs. 85,000, the same as the actuals of 1894-95 and the grant for the current year. Provision has been made for revaluations in Midnapore, the 24-Parganas, Khulna, Jessore, Rangpur, Dinajpur, Bogra, Dacca, Backergunge, Faridpur, Mymensingh, Tippera, Noakhali, Patna, Gaya, Muzaffarpur, Shahabad, Bhagalpur, Monghyr, and Purnea.

45. *Customs.*—The expenditure for the year 1896-97 is estimated at Rs. 8,02,000 against Rs. 8,55,000, the budget estimate for 1895-96, and

Rs. 6,46,749, the actuals for 1894-95. The following table shows the heads under which this sum is distributed :—

	Actuals, 1894-95.	Budget estimate, 1895-96.	Estimate for 1896-97.
1	2	3	4
	Rs.	Rs.	Rs.
Calcutta	6,05,912	8,12,640	7,54,964
Balasore	4,640	4,900	6,700
Chittagong	26,648	27,800	80,410
Cuttack	7,247	7,500	7,636
Dacca	679	720	830
Puri	1,623	1,440	1,460
Total ...	6,46,749	8,55,000	8,02,000

The comparatively low actuals of 1894-95 are mainly due to the fact that the orders of the Government of India sanctioning increased pay to certain officers of the Customs establishment were held in abeyance pending confirmation by the Secretary of State.

Calcutta.—The estimate on account of salaries and establishment for the Calcutta Custom House is based on the scale of establishment recently sanctioned by the Government of India since the passing of the Tariff Acts of 1894.

Balasore.—Up to a recent date a Sub-Deputy Collector was the Customs Officer, Chandballi, on his grade pay, no part of which was charged to the Customs Department. The posts of the Port Officer and Customs Officer of the place have been amalgamated with effect from 1st November 1895, and the salary of the combined appointment has been fixed at Rs. 300 a month, which is divided equally between the Customs and the Port Fund. A provision of Rs. $(150 \times 12) = 1,800$ has accordingly been made under the head "Collector's establishment."

Chittagong.—A provision of Rs. 2,400 has been made for an additional establishment costing Rs. 200 a month, consequent on the increase of work caused by the passing of the Tariff Acts of 1894.

46. *Registration.*—The estimate for 1896-97 is Rs. 8,59,000 against Rs. 8,05,000, the actuals of 1894-95. The increase is due chiefly to a provision made for higher salaries drawn by the Inspectors and to larger expenditure on allowances to Sub-Registrars consequent on the intended opening of six new offices in the districts of Muzaffarpur and Champaran for the maintenance of Land Records under Act III (B.C.) of 1895.

47. *Interest.*—The following table exhibits the amount payable during 1896-97, in accordance with the Loans estimate passed by the Government of India:—

	Opening balance.	Net outgoing.			Closing balance.	Mean balance.	Interest at 4 per cent.	Estimate for 1896-97 in round numbers.
1	2	3			4	5	6	7
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1896-97	54,61,111	14,22,000	— 5,42,000	= 8,80,000	63,41,111	59,01,111	2,36,044	2,36,000

48. *Administration.*—The estimate under this head amounts to Rs. 17,09,000 against Rs. 17,36,000, the revised estimate for 1895-96, and Rs. 17,21,000, the actuals of 1894-95. The increase in the revised estimate over the actuals of 1894-95 is due to the adjustment of the salaries and contingencies of the Secretariat Book Depôt under the head of Civil Secretariat, to which it has been transferred from the Secretariat Press; while the decrease in 1896-97 is due to a reduction in the charges for exchange compensation allowance.

49. *Law and Justice—Courts of Law.*—The original estimate of expenditure for 1896-97 as passed by this Government amounted to Rs. 90.40,000 against Rs. 89,10,380, the actuals for 1894-95, and Rs. 89,55,267, the actuals of twelve months ending 30th September 1895.

The following table shows the distribution of the figures under the minor heads:—

HEADS.	Original estimate for 1896-97, passed by the Local Government.	Estimate for 1896-97, passed by the Government of India.
	Rs.	Rs.
High Court	11,85,000	11,74,000
Law Officers	3,13,200	3,11,000

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	Rs.	Rs.
Coroner's Court	14,000	14,000
Presidency Magistrates	65,000	65,000
Civil and Sessions Courts	46,89,400	46,68,000
Courts of Small Causes	1,76,000	1,75,000
Criminal Courts	24,54,400	24,31,000
Pleadership Examination Charges ...	13,000	13,000
Refunds	1,30,000	1,30,000
Total	90,40,000	89,81,000

The estimate has been reduced by the Government of India to Rs. 89,81,000, with reference to the rise in the rate of exchange and the consequent reduction in the charges for compensation.

50. *Jails.*—The estimate of total expenditure for 1896-97 has been placed at Rs. 22,36,000 against Rs. 21,47,000, the sanctioned grant for 1895-96, and Rs. 20,07,528, the actuals for 1894-95.

The increase in 1896-97 over the grants for 1895-96 occurs chiefly under the heads of "Establishment," "Dietary Charges," "Hospital Charges," "Bedding and Clothing of Prisoners," "Sanitation Charges," "Charges for moving Prisoners," and "Extraordinary Charges for Livestock." An increase is anticipated under all the heads except "Miscellaneous Services and Supplies" and "Jail Manufactures." The increase under "Establishment" is due to increments to salaries, provision for the salaries of four additional Deputy Superintendents of Subsidiary Jails, increased pay of compounders and of female warders of Central Jails, and to the local allowance for warders in the Orissa Division, sanctioned in Government order No. 2435P., dated 23rd August 1895. Provisions of Rs. 15,000 and Rs. 11,000 have, for the first time, been made in this budget for "Sanitation Charges" and "Extraordinary Charges for Livestock." Against these increases, there are decreases, chiefly under "Jail Manufactures."

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51. *Police.*—The following table compares the estimate of expenditure for 1896-97 as originally passed by this Government with the sanctioned grant for 1895-96 :—

HEADS OF EXPENDITURE.	Sanctioned estimate, 1895-96.	Estimate of Local Government. 1896-97.	Estimate for 1896-97, passed by the Government of India.
1	2	3	4
	Rs.	Rs.	Rs.
(1) Presidency Police	7,50,000	7,56,528	7,52,000
(2) Municipal Police	37,000	45,000	45,000
(3) Superintendence	1,55,500	1,55,000	1,53,000
(4) District Executive Force	43,91,000	44,31,456	44,06,000
(5) Village Police	24,000	28,000	28,000
(6) Special Police	5,50,000	5,32,850	5,33,000
(7) Railway Police	1,03,000	1,15,255	1,15,000
(8) Cattle Pounds	5,500	5,000	5,000
(9) Refunds	2,000	3,000	3,000
	60,18,000	60,72,089	60,40,000
Deduct for rounding ...	.....	89	.....
Total ...	60,18,000	60,72,000	60,40,000

Under head (1), Presidency Police, the estimate passed by the Local Government for 1896-97 is higher than the budget estimate for 1895-96 by Rs. 6,528. A portion of this increase is due to a provision made for the entertainment of twenty-four additional constables and three corporals at an estimated cost of Rs. 3,840.

The grant under (2), Municipal Police, has been raised from Rs, 37,000 to Rs. 45,000, in order to relieve the Howrah Municipality of police charges to the extent of Rs. 8,000.

The employment of an additional force, consisting of one Inspector, five head-constables, and twenty-six constables, has been sanctioned in Government order No. 5789J., dated the 16th December 1895, for duties in connection with the mills on the left bank of the river Hooghly : Rs. 6,456 on this

account has accordingly been provided under head (4), District Executive Force, which also includes an increased allotment of Rs. 28,200 for the substitution of Sub-Inspectors for Head-Constables as investigating officers, in accordance with the recommendations of the Police Commission, and larger grants for petty construction.

The total estimate has been reduced by the Government of India to Rs. 60,40,000, in consequence of the payments from the District Chaukidari Reward Fund having been transferred from Provincial to Local Accounts, and with reference to the rise in exchange.

52. *Marine.*—The estimate of expenditure for 1896-97 is Rs. 9,21,000 against Rs. 8,91,000, the sanctioned estimate for 1895-96. The increase is due to a provision having been made for repairs of the *Rhotas* and to a larger grant for contributions to meet deficits of Port Funds.

53. *Education.*—The grant for expenditure under the direct control of the Education Department was Rs. 26,72,000 in the budget estimate for 1895-96. This was reduced to Rs. 26,15,000 in the revised estimate, partly by the transfer of Rs. 31,000 to District Boards for grants-in-aid of Primary Education, and partly by reductions under salaries in Government Colleges. The estimate for 1896-97 provides for an increase of Rs. 1,61,000 over the revised estimate, including the following items:—

(1) an addition of Rs. 40,000 to the grant for the Civil Engineering College at Sibpur so as to provide for the opening of an agricultural class (Rs. 10,000), for the practical training of mining students (Rs. 1,000), and for apparatus required in connection with the course of lectures on mining (Rs. 29,000);

(2) a larger provision for rewards to *gurus* and boarding charges;

(3) a provision of Rs. 20,000 for the training of teachers;

(4) a larger provision under grants-in-aid;

(5) a grant for a kerosine engine for the Presidency College.

54. *Medical.*—The estimate for 1896-97 amounts to Rs. 19,63,000, against Rs. 18,19,000, the sanctioned estimate for 1895-96. The increase of Rs. 1,44,000 is due to a larger provision having been made for the renewal of bedding, clothing and instruments in the Calcutta hospitals (Rs. 64,000), to grants of Rs. 23,500 for the Bhawanipur Hospital, which will be opened in 1896-97,

and of Rs. 13,684 for the Leper Asylum, and to additional grants in aid of hospitals and dispensaries.

55. *Scientific and other Minor Departments.*—The estimate for 1896-97 is Rs. 4,49,000 against Rs. 4,23,000, the actuals of 1894-95, and Rs. 5,34,000, the revised estimate for the year. The revised estimate includes the following special expenditure:—

	Rs.
(i) For temporary establishment required on account of the extension of the cinchona plantation at Mangpu ...	6,500
(ii) Purchase of cinchona bark from Messrs. Kilburn & Co. ...	34,000
(iii) Grant to the Buddhist Text Society, by transfer from the Education Budget	2,000
(iv) Cost of taking casts of Asoka's inscriptions	8,000
(v) Inspection of Explosives	2,000
(vi) Garden improvements, Royal Botanic Garden, Calcutta ...	3,000
(vii) Purchase of sulphate of quinine from Madras	21,000
(viii) Purchase of Nimbong plantation	71,000
Total ...	1,47,500

The budget estimates for 1896-97 also includes Rs. 50,000 for the purchase of cinchona bark.

56. *Stationery and Printing.*—The estimate for 1896-97 is Rs. 12,22,000 against Rs. 12,28,000, the revised estimates for 1895-96, and Rs. 11,23,000, the actuals of 1894-95. The fluctuations are chiefly in the value of Stationery supplied from Central Stores.

57. *Miscellaneous.*—The estimate for 1896-97 is Rs. 2,47,000 against Rs. 2,50,000, the revised estimate for 1895-96, and Rs. 2,29,000, the actuals of 1894-95. The increase in the revised estimate is caused by the payment of Rs. 24,000 towards the cost of the land for the Leper Asylum at Gobra, while that in the estimate for 1896-97 is due to a lump provision of Rs. 10,000 which has been made for special commissions of enquiry.

58. *Minor Irrigation and Navigation Works in charge of Public Works Department.*—The increased grant under this head is chiefly for improvements of the Bhangore Khal, for which Rs. 3,50,000 have been provided.

[*Mr. Risley.*]

59. *Civil Works in charge of Public Works Department.*—The allotment under this head includes the following special grants for original works:—

	Rs.
New chemical block, Medical College, Calcutta ...	1,74,000
„ Pathological and Physiological block in ditto ...	1,29,000
Principal's office, library, students' room and large theatre in ditto	85,000
Fittings, &c., for ditto	1,00,000
New Leper Asylum at Gobra	1,00,000
Howrah Munsifi, upper story	35,000
New Registration Office, Calcutta	54,000
Hostel for Veterinary Students	30,000
Presidency College Laboratory	30,000
Annexure along the east wall of the Art Gallery, Calcutta, for storing the Asoka inscriptions	10,000
Subsidiary Jail and new courts, Serampore	30,000
Introducing electric light into the Alipore Jail, and Belvedere	50,000
Quarters for Military Assistant Surgeons, General Hospital	90,000
Extension of the out-door dispensary, Campbell Hospital ..	50,000
Ditto ditto Medical College Hospital	70,000
Alteration of a vat and still-shed in the Russa Distillery ...	24,000
Construction of Registration Offices under the Maintenance of Records Act	24,000
Construction of a separate sick room, &c., in the Bethune College	10,000
Construction of additional courts at Burdwan	40,000
Ditto of a Munsifi at Jhenidah	14,800
Subdivisional court-house at Patuakhali	11,000
Construction of a central ganja golah at Nowgong ...	71,000
Feeder roads to the Eastern Bengal State Railway ...	60,000
Additional accommodation for the Collector's office at Rungpur for towji and records	16,200
Additional grant for Minor Works of the Jail Department ...	1,00,000
Improvements in Indian Museum	15,000
Total ...	14,23,000

These works will add to the efficiency of several important branches of the Administration, and will satisfy demands which have long been recognised as reasonable, but which financial difficulties have hitherto compelled the Government to leave unfulfilled.

H. H. RISLEY,

Secretary to the Govt. of Bengal.

CALCUTTA;
The 28th March, 1896.

BENGAL PROVINCIAL REVENUE.

(In Rupees, omitting 000's, excepting in the Actuals where 0 is omitted.)

HEADS.	Actuals, 1894-95.	Budget Estimate, 1895-96.	Revised Estimate, 1895-96.	Estimate, 1896-97.
1	2	3	4	5
Opening Balance ...	26,24,04	33,73	43,22	55,51
Principal Heads of Revenue—				
I.—Land Revenue { Proper ...	1,00,90,31	1,00,33	1,00,60	1,00,54
I.—Land Revenue { Adjustments ...	—16,38,11	—9,92	—7,27	—12,00
III.—Salt	1,41,29	95	1,75	1,75
IV.—Stamps	1,25,26,97	1,25,25	1,25,85	1,25,85
V.—Excise	31,40,59	31,75	33,25	33,25
VI.—Provincial Rates	43,07,68	42,81	43,10	43,20
VII.—Customs	73,38	61	81	81
VIII.—Assessed Taxes	22,81,64	22,50	23,25	23,25
IX.—Forests	3,97,83	4,05	4,50	6,35
X.—Registration	6,78,25	7,00	6,70	6,82
Total ...	3,20,99,83	3,25,33	3,32,54	3,29,82
XII.—Interest	2,03,79	2,36	2,40	2,67
Post-office, Telegraph and Mint—				
XIII.—Post-Office	4,40	5	5	5
Receipts by Civil Department—				
XVI.—Law and Justice—				
Courts of Law	8,72,85	8,90	8,55	8,80
Jails	8,52,07	8,70	9,35	8,58
XVII.—Police	2,36,68	2,43	1,98	2,01
XVIII.—Marine	9,32,65	9,40	9,90	9,35
XIX.—Education	5,70,63	5,70	5,75	5,69
XX.—Medical	2,05,16	2,00	2,15	2,05
XXI.—Scientific and other Minor Departments	2,04,04	1,99	2,37	2,34
Total ...	38,74,08	39,12	40,05	38,82
Miscellaneous—				
XXII.—Receipts in aid of Superannuation ...	75,64	68	70	70
XXIII.—Stationery and Printing	1,30,54	1,27	1,27	1,32
XXV.—Miscellaneous	10,12,72	8,62	10,21	875
Total ...	12,18,90	10,57	12,18	10,77
Railways—				
XXVI.—State Railways (net earnings of Eastern Bengal State Railway) ..	43,32,23	36,50	41,13	36,63
Irrigation—				
XXIX.—Major Works (direct receipts) ...	15,24,04	15,00	14,50	15,00
XXX.—Minor Works and Navigation—				
By Public Works Department ...	6,95,61	7,25	7,35	7,30
„ Civil Department	1,81,35	1,61	1,30	1,09
Total ...	24,01,00	23,86	23,15	23,39
Buildings and Roads—				
XXXII.—Civil Works—				
By Public Works Department ...	2,35,31	1,80	2,45	1,80
„ Civil Department	2,42,16	2,38	2,44	2,41
Total ...	4,77,47	4,18	4,89	4,21

BENGAL PROVINCIAL EXPENDITURE.

(In Rupees, omitting 000's, excepting in the Actuals where 0 is omitted.)

HEADS.	Actuals, 1894-95.	Budget Estimate, 1895-96.	Revised Estimate, 1895-96.	Estimate, 1896-97.
1	2	3	4	5
Direct demand on the Revenues—				
1. Refunds and Drawbacks	1,64,78	1,52	1,59	1,69
2. Assignments and Compensations	1,37,45	1,72	1,68	1,52
3. Land Revenue	35,68,13	36,88	36,20	37,29
5. Salt	52,22	36	52	1,03
6. Stamps	4,89,41	5,22	4,79	5,01
7. Excise	1,58,68	1,66	1,64	1,77
8. Provincial Rates	85,35	85	85	85
9. Customs	6,46,75	8,55	7,92	8,02
10. Assessed Taxes	90,53	95	92	95
11. Forests	1,98,70	2,30	2,95	3,85
12. Registration	4,02,68	4,12	4,00	4,30
Total ..	59,94,58	64,13	63,06	66,28
Interest—				
13. Interest on ordinary debt	1,69,47	2,18	2,01	2,36
Post-office, Telegraph and Mint—				
15 Post-office	9,24	10	8	10
Salaries and expenses of Civil Department—				
18. General Administration	17,20,50	17,08	17,36	17,09
19. Law and Justice { Courts of Law ...	89,10,38	90,32	88,55	89,81
19. Law and Justice { Jails ..	20,07,53	21,47	21,95	22,36
20 Police . ..	59,04,35	60,18	60,07	60,40
21. Marine	8,93,09	8,91	8,84	9,21
22 Education . .	26,37,60	26,72	26,15	27,76
24 Medical •	18,13,59	18,19	18,35	19,63
25. Political ..	36,30	26	17	28
26. Scientific and other Minor Departments ...	4,23,07	4,61	5,34	4,49
Total ..	2,43,45,91	2,47,74	2,46,78	2,51,03
Miscellaneous—				
29 Superannuation, &c. ..	17,80,48	18,05	18,28	18,90
30. Stationery and Printing	11,23,32	13,16	12,28	12,22
32. Miscellaneous	2,29,06	2,44	2,50	2,47
Total ...	31,32,86	33,65	33,06	33,59
Railways (Revenue Account)—				
40. Subsidized Companies—Land, &c. ...	36	.....	1	...
Irrigation—				
42. Major Works—				
Working Expenses	13,72,97	14,90	13,50	14,65
Interest on debt	24,58,21	24,68	24,66	24,67
43. Minor Works and Navigation—				
By Public Works Department ...	14,57,83	16,22	17,00	18,03
„ Civil Department	4,05	5	5	4
Total ...	52,93,06	55,85	55,21	57,39
Buildings and Roads—				
45. Civil Works—				
By Public Works Department ...	24,90,92	26,96	30,03	43,00
„ Civil Department	2,38,92	1,36	1,76	2,30
Total ...	27,29,84	28,32	31,79	45,30
Contributions	12,49,92	11,11	12,10	11,42
Total ...	4,29,25,24	4,43,08	4,44,10	4,67,47

APPENDIX A.

Bengal Provincial Receipts in detail of minor heads.

[The figures in columns 4 and 5 are those accepted by the Government of India.

I.—Land Revenue—

HEADS.	Actuals, 1894-95.	Budget Estimate, 1895-96.	Revised Estimate, 1895-96.	Estimate, 1896-97.	REMARKS.
1	2	3	4	5	6
Gross Land Revenue ...	3,89,10,000	3,88,50,000	3,88,85,000	3,89,47,000	
Deduct 12 per cent. on estimated collections from Government estates (Provincial) ...	4,84,000	4,77,000	4,77,000	4,90,000	
Deduct on account of Bihar survey and settlement charges (Imperial) ...	1,000	1,50,000	75,000	2,00,000	
Total deduction ...	4,85,000	6,27,000	5,52,000	6,90,000	
Net amount divisible between Imperial and Provincial Funds. ...	3,84,25,000	3,82,23,000	3,83,33,000	3,82,57,000	
Provincial share of above (one-fourth) ...	96,06,000	95,56,000	95,83,000	95,64,000	
Deduct on account of adjustments ...	—16,38,000	—9,92,000	—7,27,000	—12,00,000	
Net ...	80,68,000	85,64,000	88,56,000	83,64,000	
Add 12 per cent. collections ...	4,84,000	4,77,000	4,77,000	4,90,000	
Total Provincial share ...	85,52,000	90,41,000	93,33,000	88,54,000	

II.—Adjustments—

Fixed contribution to Imperial Revenue under the terms of contract ...	14,39,000	14,39,000	14,39,000	14,39,000	
Add (payable to Imperial Funds)—					
Interest on the advance for the Hidgellee Tidal Canal ...	21,000	26,000	26,000	30,000	
Contribution towards the cost of a tower clock to be set at the General Post Office ...	...	...	...	5,000	
Special contribution to Imperial Funds ...	3,00,000	.....	.....	...	
Total to be deducted from the Provincial share...	17,60,000	14,65,000	14,65,000	14,74,000	
Deduct (to be received from Imperial Funds)—					
Advance for the remodelling of the Hidgellee Tidal Canal ...	1,06,000	1,65,000	1,53,000	24,000	
Grant on account of Imperial buildings placed under local bodies ...	20,000	10,000	36,000	10,000	
Compensation for loss sustained by the Provincial Revenue on account of the reservation of the Western Duars for the Khedda Department ...	18,000	16,000	.....	.....	
Salary of probationer gardener at Sibpur ...	2,000	.....	...	2,000	
Repayment of the special contribution taken in 1894-95 ...	.....	.....	3,00,000	.....	
Grant for the additional establishment entertained in the Calcutta Custom House on the introduction of the new Tariff Act ...	68,000	2,64,000	2,12,000	2,12,000	
Towing charges of *Rhotas* ...	.....	...	10,000	10,000	
Assignment for the Gnatong Police Guard ...	8,000	16,000	16,000	16,000	
Provisional assignment for Lebong Cantonment ...	.....	.....	11,000	.....	
Total ...	2,22,000	4,73,000	7,38,000	2,74,000	
Net sum to be transferred ...	15,38,000	9,92,000	7,27,000	12,00,000	

III.—Salt—

Heads.	Actuals, 1894-95.	Budget Estimate, 1895-96.	Revised Estimate, 1895-96.	Estimate, 1896-97.	Remarks.
1	2	3	4	5	6
Rent of Warehouses	1,04,000	57,000	1,37,000	1,38,000	Increase under rent of warehouses owing to the large importations of salt.
Miscellaneous	37,000	38,000	38,000	37,000	
Total ...	1,41,000	95,000	1,75,000	1,75,000	

IV.—Stamps—

Sale of general stamps	44,92,000	44,90,000	45,60,000	45,50,000	There is a steady growth of revenue under this head.
Sale of court-fee "	1,19,27,000	1,19,34,000	1,19,33,000	1,19,40,000	
Sale of plain paper to be used with court-fee stamps	2,42,000	2,35,000	2,42,000	2,40,000	
Duty on impressing documents	9,000	8,000	20,000	9,000	
Fines and penalties	31,000	31,000	30,000	30,000	
Miscellaneous	2,000	2,000	5,000	2,000	
Total ..	1,67,03,000	1,67,00,000	1,67,80,000	1,67,80,000	
Provincial share (three-fourths)	1,25,27,000	1,25,25,000	1,25,85,000	1,25,85,000	

V.—Excise—

License and Distillery fees and Duties for the sale of liquors and drugs	96,21,000	96,30,000	1,03,03,000	1,03,03,000	The revenue has been steadily increasing since 1891-92.
Gain on sale-proceeds of excise opium .	16,80,000	16,70,000	17,35,000	17,35,000	
Duty on ganja	12,41,000	13,90,000	12,50,000	12,50,000	
Fines, confiscations and miscellaneous .. .	11,000	10,000	12,000	12,000	
Total .	1,25,92,000	1,27,00,000	1,33,00,000	1,33,00,000	
Provincial share (one-fourth)	31,40,000	31,75,000	33,25,000	33,25,000	

VI.—Provincial Rates—

Public Works Cess	41,79,000	41,46,000	41,70,000	41,80,000	The re-valuations in progress and those recently completed are expected to yield a small increase.
General rates for management of private estates .	1,29,000	1,35,000	1,40,000	1,40,000	
Total ..	43,08,000	42,81,000	43,10,000	43,20,000	

VII.—Customs—

Warehouse and Wharf Rents	5,000	5,000	5,000	6,000	The imposition of import duties tends to raise receipts from confiscations and penalties.
Miscellaneous	68,000	56,000	76,000	75,000	
Total ...	73,000	61,000	81,000	81,000	

VIII.—Assessed Taxes—

HEADS.	Actuals, 1894-95.	Budget estimate, 1895-96.	Revised estimate, 1895-96.	Estimate, 1896-97.	REMARKS.
1	2	3	4	5	6
Deductions by Government from salaries and pensions, &c.	4,95,000	4,80,000	4,96,000	4,96,000	
Deductions by Government from interest on Government securities	20,000	16,000	16,000	19,000	
Deductions by Government from salaries, &c., paid by local authority or company	52,000	53,000	52,000	52,000	Based on actuals.
Deductions by Government from salaries, &c., paid by Railway Company	2,000	4,000	3,000	3,000	
Ordinary collections	39,53,000	39,00,000	40,43,000	40,40,000	
Penalties	26,000	31,000	26,000	26,000	
Miscellaneous	15,000	16,000	14,000	14,000	
Total	45,63,000	45,00,000	46,50,000	46,50,000	
Provincial share	22,81,000	22,50,000	23,25,000	23,25,000	

IX.—Forest—

Timber and other produce removed from the Forests by Government Agency	29,000	19,200		4,67,800	Increase expected in 1896-97 on account of the supply of sleepers to the Rai Bareilly-Benares Railway.
Timber and other produce removed from the Forests by Consumers or Purchasers	7,34,000	7,83,300		7,67,800	
Confiscated, drift and waif wood	8,000	11,600		10,300	
Miscellaneous	25,000	25,900		24,100	
Total	7,96,000	8,10,000	9,00,000	12,70,000	
Provincial share	3,98,000	4,05,000	4,50,000	6,35,000	

X.—Registration—

Fees for registering documents	13,04,000	13,45,000	12,85,000	13,10,000	A small increase over the revised estimate has been provided for.
,, for copies of registered documents	19,000	20,000	20,000	20,000	
Miscellaneous	33,000	35,000	35,000	35,000	
Total	13,56,000	14,00,000	13,40,000	13,65,000	
Provincial share—(one-half)	6,78,000	7,00,000	6,70,000	6,82,000	

XII.—Interest—

Class I.—Interest on advances to cultivators— On advances to cultivators under Land Improvement Loans Act. On advances to cultivators under Agriculturists' Act XXII of 1894.	26,000	27,000	23,000	24,000	Calculated on the estimated mean balance of loans outstanding.
Class II.—Interest on advances under Special Loans— On Drainage and Embankment Advances	34,000	30,000	30,000	40,000	
Class III.—Interest on loans to landholders, &c	24,000	25,000	30,000	5,000	The Deo Estate having undertaken to repay the whole of its loan in 1895-96, the estimate for 1896-97 has been reduced
Class IV.—Interest on loans to Municipal and other Public Corporations (excluding Presidency Corporations)	86,000	86,000	1,08,000	1,41,000	Calculated on the estimated mean balance of loans outstanding.
Interest on Government Securities	14,000	11,000	14,000	11,000	
	1,84,000	1,79,000	2,05,000	2,21,000	
Miscellaneous— Interest on loans of Public Works Cess	37,000	54,000	33,000	42,000	Based on the actuals of the past three years.
,, on the capital cost of His Honour the Lieutenant-Governor's house, &c	1,000	1,000	1,000	1,000	
Other items	1,000	2,000	1,000	2,000	
Interest on zamindari embankment recoveries, &c.	1,000	....	....	1,000	
Total Miscellaneous	40,000	57,000	35,000	46,000	
GRAND TOTAL	2,04,000	2,36,000	2,40,000	2,67,000	

XIII.—Post Office—

HEADS.	Actuals, 1894-95.	Budget estimate, 1895-96.	Revised estimate, 1895-96.	Estimate, 1896-97.	REMARKS.
1	2	3	4	5	6
Recoveries on account of establishment employed in the Postmaster-General's office .. .	4,000	5,000	5,000	5,000	

XVIA.—Law and Justice—Courts of Law—

Sale-proceeds of unclaimed and escheated property	46,000	30,000	30,000	38,000	There was a special receipt in Patna in 1894-95.
Court-fees realised in cash	30,000	37,000	37,000	34,000	Based on the average actuals of the last three years.
General fees, fines and forfeiture	7,58,000	7,85,000	7,46,000	7,70,000	
Pleadership Examination fees	29,000	28,000	32,000	28,000	
Miscellaneous	10,000	14,000	10,000	10,000	
Total ...	8,73,000	8,80,000	8,55,000	8,80,000	

XVIB.—Jails—

Jails	9,000	6,000	8,000	8,000	Based on the average actuals of the last five years.
Jail manufactures . ..	8,43,000	8,64,000	9,27,000	8,50,000	
Total .	8,52,000	8,70,000	9,35,000	8,58,000	

XVII—Police—

Police supplied to Municipal, Cantonment and Town Funds	9,000	8,000	12,000	9,000	Based on actuals.
Police supplied to public departments, private companies and persons .	44,000	35,000	32,000	35,000	
Presidency Police	78,000	83,000	85,000	80,000	
Recoveries on account of village police	3,000	2,000	4,000	3,000	
Fees, fines and forfeitures . .	63,000	54,000	35,000	33,000	Both the revised estimate for 1895-96 and the estimate for 1896-97 exclude the receipts of the District Chaukidari Reward Fund, which have been transferred to Local
Superannuation receipts	...	.	1,000	1,000	
Miscellaneous . ..	40,000	61,000	29,000	40,000	
Total ...	2,37,000	2,43,000	1,98,000	2,01,000	

XVIII.—Marine—

Sale-proceeds of vessels and stores	2,000	3,000	1,000	3,000	The receipts under this head fluctuate, and depend on the tonnage of vessels visiting the port. They were unusually high in the first 10 months of 1895-96.
Registration and other fees .	39,000	37,000	40,000	40,000	
Pilotage receipts	8,49,000	8,55,000	9,00,000	8,45,000	
Miscellaneous	43,000	45,000	49,000	47,000	
Total ..	9,33,000	9,40,000	9,90,000	9,35,000	

XIX.—Education—

HEADS.	Actuals, 1894-95.	Budget estimate, 1895-96.	Revised estimate, 1895-96.	Estimate, 1896-97.	REMARKS.
1	2	3	4	5	6
Fees, Government Colleges, General	1,67,000	1,75,000	1,69,000	1,68,000	Based on actuals.
Ditto ditto, Professional	38,000	38,000	39,000	38,000	
Fees, Schools, General	3,13,000	3,07,000	3,13,000	3,10,000	
Ditto, Special	18,000	18,000	18,000	18,000	
Contributions from Native States, Private Persons and Municipalities ...	10,000	12,000	15,000	12,000	Increased with reference to actuals.
Income from endowments . ..	11,000	7,000	8,000	10,000	
Miscellaneous	14,000	13 000	13,000	13,000	
Total ..	5,71,000	5,70,000	5,75,000	5,69,000	

XX.—Medical—

Medical Schools and College Fees	48,000	47,000	52,000	48,000	Based on actuals.
Hospital receipts	89,000	86,000	91,000	86,000	
Lunatic Asylum receipts	25,000	28,000	30,000	28,000	
Contributions (from municipalities and private persons)	37,000	37,000	37,000	34,000	
Miscellaneous	5,000	2,000	5,000	5,000	
Total ...	2,05,000	2,00,000	2,15,000	2,05,000	

XXI.—Scientific and other Minor Departments—

Botanical and other public garden receipts	5,000	5,000	5,000	5,000	
Veterinary and Stallion receipts	3,000	5,000	4,000	4,000	
Cinchona Plantation	1,42,000	1,45,000	1,84,000	1,80,000	The increase is due to the growing popularity of the sale of quinine by the Post office in pice packets.
Receipts on account of experimental cultivation .	2,000	4,000	2,000	3,000	
Emigration fees ... ... m	47,000	36,000	36,000	32,000	The receipts in 1894-95 were unusually high. The estimate for 1896-97 is based on the estimate supplied by the Protector of Emigrants.
Examination fees	5,000	4,000	6,000	4,000	
Miscellaneous	.....	.....	.....	...	
Total ...	2,04,000	1,99,000	2,37,000	2,34,000	

XXII.—Superannuation—

Family subscriptions of native members of the Covenanted Civil Service	1,000	1,000	1,650	1,650	Estimates based on actual demands taken from the registers of the Account-ant-General's Office.
Contributions of officers lent to Municipalities or Corporations	23,000	26,300	22,000	22,000	
Contributions of officers lent to Foreign Service .	40,000	29,000	35,000	35,000	
Ditto of persons employed by the Court of Wards	13,000	11,400	11,000	11,000	
Refunds of gratuities	.. ...	300	350	350	
Total ...	76,000	68,000	70,000	70,000	

XXIII.—Stationery and Printing—

HEADS.	Actuals, 1894-95.	Budget Estimate, 1895-96.	Revised Estimate, 1895-96.	Estimate, 1896-97.	REMARKS.
1	2	3	4	5	6
Stationery receipts	1,000	1,000	1,000	1,000	
Sale of Gazettes and other publications ..	99,000	94,000	97,000	98,000	
Other press receipts	31,000	32,000	29,000	33,000	
Total .	1,31,000	1,27,000	1,27,000	1,32,000	

XXV.—Miscellaneous—

Unclaimed deposits	4,38,000	3,60,000	4,53,000	3,70,000	The amount of deposits lapsing to Government were exceptionally large in 1894-95 and in December 1895.
Sale-proceeds of Durbar presents	18,000	15,000	5,000	10,000	} Based on the average actuals of past three years.
Sale of old stores and materials	48,000	35,000	40,000	40,000	
Do. of lands and houses, &c.	9,000	5,000	10,000	7,000	
Fees for Government audit (of Municipal and Incorporated Local Funds).	70,000	75,000	62,000	75,000	Smaller recovery anticipated in 1896-96 is in consequence of the exemption of loans from the levy of audit fees, but larger receipts probable in 1896-97, owing to the fees being now levied on receipts instead of on disbursements.
Rents	27,000	25,000	25,000	25,000	
Miscellaneous fees, fines and forfeitures ..	2,51,000	2,00,000	2,82,000	1,98,000	Partition fees were unusually high in 1894-95 and in 1895-96.
Miscellaneous	1,51,000	1,47,000	1,44,000	1,50,000	
Total .	10,12,000	8,62,000	10,21,000	8,75,000	

XXVI.—State Railways. (Eastern Bengal State Railway System)—

Gross receipts	1,43,86,000	1,30,00,000	1,39,00,000		
Working expenses	57,22,000	57,00,000	56,75,000		
Net receipts	86,64,000	73,00,000	82,25,000	73,25,000	
Provincial share (one-half)	43,32,000	36,50,000	41,13,000	36,63,000	

XXIX.—Irrigation—Major Works—

Orissa Canals	3,33,000	3,28,000	3,28,000	3,45,000	
Midnapore Canal	2,95,000	2,77,000	2,77,000	2,40,000	
Hijli Tidal	58,000	60,000	60,000	60,000	
Sone canals	8,38,000	8,35,000	7,85,000	8,55,000	The collections of water-rates show a falling off in 1895-96.
Total ..	15,24,000	15,00,000	14,50,000	15,00,000	

XXX.—Minor Works and Navigation in charge of the Public Works Department—

HEADS.	Actuals, 1894-95.	Budget estimate, 1895-96.	Revised estimate, 1895-96.	Estimate, 1896-97.	REMARKS.
1	2	3	4	5	6
Irrigation and Navigation Works.					
Works for which Capital and Revenue accounts are kept—					
Saran Canal	1,382	1,000	1,000	....	
Calcutta and Eastern Canals	4,43,457	4,30,000	4,30,000	4,50,000	
Orissa Coast Canal	66,031	88,000	88,000	70,000	
Total ..	5,10,870	5,19,000	5,19,000	5,20,000	
Works for which only Revenue accounts are kept—					
Nadia Rivers	1,41,698	1,70,000	1,70,000	1,70,000	
Gaighatta and Buzi Khal ...	820	... ..	5,000	5,000	
Total ...	1,42,518	1,70,000	1,75,000	1,75,000	
Works for which neither Capital nor Revenue accounts are kept—					
Eden Canal	30,250	30,000	30,000	30,000	
Teur ,, ...	63	...	..	....	
Total ...	30,313	30,000	30,000	30,000	
Total Irrigation and Navigation Works ...	6,83,701	7,19,000	7,24,000	7,25,000	
Agricultural Works.					
Works for which neither Capital nor Revenue accounts are kept—					
Government embankments	7,008	5,000	6,000	4,000	
Takavi embankments under contract ...	4,904	1,000	5,000	1,000	
Total Agricultural Works	11,912	6,000	11,000	5,000	
GRAND TOTAL ..	6,95,613	7,25,000	7,35,000	7,30,000	

XXX.—Minor Works and Navigation—In charge of Civil Officers—

Recoveries on account of lands benefited by embankments	80,638	1,13,000	1,24,000	1,06,200	Revised estimate for 1895-96 is based on the expected recovery of arrears.
Recoveries on account of capitalized maintenance charges of the Dankuni drainage system . .	15,825	4,000	4,000	1,300	This is the estimated balance of the capitalized maintenance charges amounting to Rs. 65,344.
Receipts of the Dankuni Canal	7,185	4,000	2,000	1,500	
Recaveries on account of capitalized maintenance charges of the Howrah drainage ...	77,699	40,000	..	... ..	The recoveries will be credited to the Debt Head Drainage Advances in class II of the Provincial Loans Account.
Total .	1,81,347	1,61,000	1,30,000	1,09,000	

XXXII.—Civil Works in charge of the Public Works Department—

Ordinary receipts		1,50,000	2,15,000	1,50,000	The revised estimate includes (1) the estimate of receipts (Rs. 30,000) from the sale of the Maniktollah Distillery Buildings, and (2) on account of the estimated profits (Rs. 35,000) from the Calcutta Workshops for 1895-96.
Profits payable by the Darjeeling Himalayan Railway		30,000	30,000	30,000	
Total ...	2,35,000*	1,80,000	2,45,000	1,80,000	* Included Rs. 34,317 on account of profits from the Calcutta Workshops.

XXXII.—Civil Works in charge of Civil Officers—

Tolls on Ferries	2,40,000	2,35,000	2,41,000	2,38,000
Cemetery receipts	2,000	2,000	2,000	2,000
Miscellaneous	. ...	1,000	1,000	1,000
Total ..	2,42,000	2,38,000	2,44,000	2,41,000

APPENDIX B.

Bengal Provincial Expenditure in detail of minor heads.

[The figures in columns 4 and 5 are those accepted by the Government of India.]

1.—Refunds and Drawbacks—

HEADS.	Actuals, 1894-95.	Budget estimate, 1895-96.	Revised estimate, 1895-96.	Estimate, 1896-97.	REMARKS.
1	2	3	4	5	6
Land Revenue (one-fourth)	12,000	12,000	7,000	16,000	Estimate, 1896-97 includes provision for a special payment of Rs. 6,000 on account of wasilat (mesne profits) to the proprietors of Madhubdia estate in Faridpur.
Stamps (three-fourths)	1,18,000	1,06,000	1,23,000	1,21,000	Increased in view of the increase in revenue.
Excise (one-fourth)	3,000	2,000	1,000	2,000	
Assessed Taxes (one-half)	19,000	21,000	11,000	19,000	
Forest (one-half)	1,000	1,000	1,000	1,000	
Registration (one-half)	2,000	1,000	...	1,000	
Provincial Rates	10,000	8,000	15,000	8,000	
Salt (other than customs and excise duty)	.....	...	.....	.....	
Customs (other than export and import duty) ...	.	1,000	1,000	1,000	
Total ...	1,65,000	1,52,000	1,59,000	1,69,000	

2.—Assignments and Compensations—

Malikana	1,37,000	1,72,000	1,68,000	1,52,000	The estimate for 1895-96 includes provision for payment of arrears in the districts of Muzaffarpur, Faridpur, Darbhanga, and Mymensingh.

3.—Land Revenue—

Charges of district administration	31,11,000	31,83,000	31,00,000	32,28,000	Increase due mainly to a special provision of Rs. 50,000 for the purchase of a sea-going vessel for the Commissioner of Sundarbans.
Management and improvement of Government estates	3,77,000	4,14,000	3,75,000	4,20,000	Represents the share (9¼ per cent.) of the collections from Government estates, with an addition of Rs. 50,000 for agricultural improvements in these estates.
Land Records and Agriculture	80,000	91,000	85,000	81,000	The smaller provision is due to the transfer of the proportionate cost of the Settlement Branch from this head to Bihar Settlement Operations which is an item of Imperial expenditure.
Total ...	35,68,000	36,88,000	36,20,000	37,29,000	

5.—Salt—

HEADS.	Actuals, 1894-95.	Budget estimate, 1895-96.	Revised estimate, 1895-96.	Estimate, 1896-97.	REMARKS.
1	2	3	4	5	6
Salaries, establishment and contingencies	52,000	36,000	52,000	1,03,000	The increase in the revised estimate as compared with the budget is due chiefly to payments on account of rents for the accommodation provided at the Kidderpore Docks for the storage of salt. The estimate for 1896-97 includes also a provision of Rs. 50,000 to provide for a preventive establishment in the salt tracts.

6.—Stamps—

Superintendence	80,000	96,000	83,000	90,000	The increase is mainly due to provision being made for the full salary of the post of the Superintendent of Stamps and Stationery on account of the return of the permanent incumbent from furlough.
Charges for the sale of general stamps	1,04,000	1,06,000	1,00,000	1,07,000	Small increases have been provided for in view of increased receipts.
Ditto of court-fee do.	1,18,000	1,18,000	1,20,000	1,22,000	
Discount on plain paper	15,000	14,000	14,000	15,000	
Stamp paper supplied from Central Stores	3,35,000	3,69,000	3,21,000	3,33,000	
Total ..	6,52,000	6,95,000	6,38,000	6,67,000	
Provincial share	4,89,000	5,22,000	4,79,000	5,01,000	

7.—Excise—

Superintendence	67,000	70,000	67,000	69,000	The low actuals of 1894-95 were due to the adjustment under Land Revenue of the salary of the Deputy Collector employed in the Calcutta Collectorate.
Presidency Establishment	84,000	92,000	92,000	94,000	
District Executive Establishment	3,46,000	3,41,000	3,55,000	3,70,000	Includes provision for cost of uniforms to be supplied to Detective Staff, and for possible changes in the system of taxing tari.
Distilleries	1,35,000	1,61,000	1,42,000	1,78,000	Smaller actuals are due to smaller outlay in the construction of distillery buildings.
Total ...	6,34,000	6,64,000	6,56,000	7,11,000	
Provincial share ...	1,59,000	1,66,000	1,64,000	1,77,000	

8.—Provincial Rates—

Collection of rates and cesses	44,500	44,500	44,500	44,500	
Valuation and re-valuation work	40,500	40,500	40,500	40,500	
Total ...	85,000	85,000	85,000	85,000	

9.—*Customs*—

HEADS.	Actuals, 1894-95.	Budget estimate, 1895-96.	Revised estimate, 1895-96.	Estimate, 1896-97.	REMARKS.
1	2	3	4	5	6
Calcutta	6,06,000	8,12,640	7,51,000	7,54,984	
Balasore	5,000	4,900	5,000	6,700	
Chittagong	27,000	27,800	27,000	30,410	Increase due to additional establishment sanctioned for the increase of work caused by the passing of the Tariff Acts.
Cuttack	7,000	7,500	7,000	7,636	
Dacca	1,000	720	1,000	830	
Puri	1,000	1,440	1,000	1,460	
Total ...	6,47,000	8,55,000	7,92,000	8,03,000	

10.—*Assessed Taxes*—

Collection of Income-tax	1,81,000	1,90,000	1,84,000	1,91,000	The revised estimates indicate savings, chiefly under Establishment and Allowances.
Provincial share	90,500	95,000	92,000	95,000	

11.—*Forest*—

A.—Conservancy and Works.					
I.—Timber and other produce removed from the forests by Government agency .	11,000	6,400	1,40,800	2,90,300	The increase is due to provision for expenditure for the supply of sleepers from the Singhbhum Forests to the Rai Bareilly-Benares Railway.
II.—Timber and other produce removed from the forests by consumers or purchasers ...	52,000	51,100	52,630	54,800	
III.—Confiscated, drift and waif wood	2,900	3,400	2,900	3,100	
VI.—Live-stock, stores, tools and plant ...	7,000	11,500	12,400	20,800	
VII.—Communications and buildings .	35,000	54,000	57,590	55,200	
VIII.—Demarcation, improvement and extension of forests	27,000	31,500	33,250	36,400	
IX.—Miscellaneous	2,000	3,300	3,130	2,600	
Total A—Conservancy and Works ..	1,36,000	1,61,600	3,02,700	4,63,000	
B.—Establishments.					
I.—Salaries	2,20,000	2,51,200	2,40,000	2,60,800	Includes provision for a new Forest officer.
II.—Travelling allowances	30,000	36,000	35,300	34,300	
III.—Contingencies	11,000	10,200	12,000	11,900	
Total B—Establishments ...	2,61,000	2,97,400	2,87,300	3,07,000	
GRAND TOTAL OF EXPENDITURE ...	3,97,000	4,59,000	5,90,000	7,70,000	
Provincial share (one-half)	1,99,000	2,30,000	2,95,000	3,85,000	

12.—*Registration*—

Superintendence	51,000	54,000	51,000	58,000	Provision made for the salaries and allowances of higher paid officers as Inspectors.
District charges	7,54,000	7,70,000	7,49,000	8,01,000	Increase owing to larger allowances, consequent on the opening of new offices, especially for the maintenance of Land Records under Act III (B.C.) of 1895.
Total ...	8,05,000	8,24,000	8,00,000	8,59,000	
Provincial share ...	4,03,000	4,12,000	4,00,000	4,30,000	

13.—*Interest on Ordinary Debt*—

HEADS.	Actuals, 1894-95.	Budget estimate, 1895-96.	Revised estimate, 1895-96.	Estimate, 1896-97.	REMARKS.
1	2	3	4	5	6
Interest on Provincial Advances and Loan Account	1,60,000	2,18,000	2,01,000	2,36,000	Both the revised estimate for 1895-96 and the estimate for 1896-97 are based on the estimated mean balance, carrying interest at 4 per cent. per annum.

15.—*Post Office*—

Conveyance of Mails, South Lushai Hills	3,000	3,000	3,000	3,000	
Establishment in Postmaster-General's and Deputy Postmaster-General's Office	4,000	5,000	3,000	5,000	
Dák establishment	2,000	2,000	2,000	2,000	
Total ...	9,000	10,000	8,000	10,000	

16.—*General Administration*—

Salary of Lieutenant-Governor	1,02,000	1,01,000	1,01,000	1,00,000	
Staff and household of Lieutenant-Governor ...	31,000	25,000	25,000	27,000	
Tour expenses	36,000	34,000	36,000	34,000	
Legislative Council	25,000	25,000	25,000	26,000	
Civil Secretariate	5,61,000	5,42,000	5,60,000	5,67,000	Increase due chiefly to the transfer of salaries and contingencies of Book Depôt from Secretariat Press to Office.
Board of Revenue	2,76,000	2,94,000	2,90,000	2,90,000	
Commissioners	6,19,000	6,12,000	6,25,000	5,91,000	Decrease as compared with the sanctioned grant for 1895-96 is due to smaller provision for exchange compensation allowance, and for the repairs to the steamer *Chaffinch*.
Civil Offices of Account and Audit	71,000	75,000	74,000	74,000	
Total ...	17,21,000	17,08,000	17,36,000	17,09,000	

19*A*.—*Law and Justice—Courts of Law*—

High Court...	11,77,000	11,90,000	11,25,000	11,74,000	The decrease in the revised estimate is chiefly due to savings owing to the absence of Judges on leave. For the year 1896-97 provision has been made for the full salaries of 12 Judges.
Law Officers	3,03,000	2,99,000	2,98,000	3,11,000	Increase under fees to pleaders in criminal cases.
Coroner's Court	14,000	13,000	14,000	14,000	
Presidency Magistrates	66,000	65,000	66,000	65,000	
Civil and Sessions Courts	46,77,000	46,71,000	46,75,000	46,68,000	Larger provision has been made to meet the cost of process-serving establishment, and for remuneration to copyists.
Courts of Small Causes	1,72,000	1,76,000	1,77,000	1,75,000	
Criminal Courts	23,61,000	24,68,000	23,70,000	24,31,000	Larger provision has been made for travelling allowances and supplies and services and contingencies.
Pleadership Examination Charges	10,000	10,000	11,000	13,000	
Refunds	1,30,000	1,40,000	1,19,000	1,30,000	
Total ...	89,10,000	90,82,000	88,55,000	89,81,000	

19B.—Jails—

HEADS.	Actuals, 1894-95.	Budget Estimate, 1895-96.	Revised Estimate, 1895-96.	Estimate, 1896-97.	REMARKS.
1	2	3	4	5	6
Jails—					
Superintendence ...	57,000	57,500		58,000	
Establishments ...	5,08,000	5,09,152		5,12,000	
Dietary charges ...	4,81,000	4,90,500		5,02,000	
Hospital charges ...	59,000	41,864		65,000	
Bedding and clothing of prisoners ...	1,07,000	75,000		1,07,000	
Sanitation charges ...	...	...		16,000	A new head opened under the orders of the Government of India.
Charges for moving prisoners ...	42,000	28,200		42,000	
Miscellaneous services and supplies ...	1,92,000	1,94,500		1,91,000	
Travelling allowance ...	9,000	8,500		8,000	
Contingent charges ...	38,000	39,484		40,000	
Extraordinary charges for live stock and tools and plant ...	...	.....		11,000	Ditto ditto.
Total Jails ...	14,93,000	14,45,000		15,51,000	
Jail manufactures ...	5,15,000	7,02,000		6,85,000	Estimate based on the average expenditure of the past five years.
GRAND TOTAL	20,08,000	21,47,000	21,95,000	22,36,000	

20.—Police—

Presidency Police ...	7,40,000	7,50,000	7,40,000	7,52,000	Increase due to the entertainment of additional constables sanctioned for Calcutta Police.
Municipal Police ...	36,000	37,000	37,000	45,000	Increased provision made to relieve Howrah Municipality of police charges to the extent of Rs. 8,000 to meet a portion of the sinking fund of the Howrah Water-Works loan.
Superintendence ...	1,74,000	1,55,500	1,58,000	1,53,000	Increase is chiefly (1) for additional police force for duties in connection with the mills on the left bank of the river Hooghly, (2) for increased annual allotment of Rs. 28,200 for the substitution of Sub-Inspectors for Head-Constables as investigating officers, and (3) for additional grant under petty construction.
District Executive Force ...	43,11,000	43,91,000	43,87,000	44,06,000	
Village Police ...	29,000	24,000	23,000	28,000	Increased provision is for the reorganisation of the Bengal Military Police and for the Frontier Police at Angul.
Special Police ...	4,94,000	5,50,000	5,30,000	5,33,000	
Railway police ...	1,16,000	1,03,000	1,20,000	1,15,000	Increased provision made on account of the watch and ward establishment employed in the East Indian Railway, and the Bengal and North-Western Railway.
Cattle pounds ...	5,000	5,500	4,000	5,000	
Refunds ...	...	2,000	8,000	3,000	
Total ...	59,05,000	60,18,000	60,07,000	60,40,000	

21.—Marine—

HEADS.	Actuals, 1894-95.	Budget estimate, 1895-96.	Revised estimate, 1895-96.	Estimate, 1896-97.	REMARKS.
1	2	3	4	5	6
Salaries and allowances of officers and men afloat ...	69,000	68,000	65,000	70,000	
Victualling of officers and men afloat	19,000	20,000	17,000	20,000	
Purchase of marine stores and coal for the building, repairs and outfit of ships and vessels.	94,000	94,000	92,000	1,01,000	Increased provision made to meet the charges for repairs of the *Rhotas* and increased cost of labour and materials.
Purchase and hire of ships and vessels	.....	10,000	.....	20,000	Includes the charge for the hire of steamers for His Honour the Lieutenant-Governor's tour hitherto provided form the Imperial Marine estimate.
Pilotage, Pilot establishments and vessels	5,47,000	5,50,000	5,60,000	5,46,000	
Marine establishments	85,000	85,000	83,000	87,000	
Subsidies to steam-boat companies	20,000	20,000	23,000	20,000	
Miscellaneous	44,000	38,000	35,000	51,000	Increase due to additional provision for contributions to meet deficits of the Orissa Port Funds.
State yacht establishment	6,000	5,700	6,000	6,000	
Refunds	.	300	3,000	....	
Total ...	8,93,000	8,91,000	8,84,000	9,21,000	

22.—Education—

Direction	77,000	72,000	74,000	71,000	The high actuals in 1894-95 are due to the adjustment of the salary of the Director of Public Instruction, Burma, while on leave in the Presidency.
Inspection	3,64,000	3,39,000	3,43,000	3,43,000	
Government Colleges, General	5,25,000	5,61,000	5,01,000	5,44,000	
Ditto ditto, Professional	1,30,000	1,36,000	1,42,000	1,85,000	The increase in 1896-97 is chiefly for an allowance to Dr. Saise for the practical training of mining students and for apparatus required in connection with the course of lectures in mining as well as for a provision of Rs. 10,000 for an agricultural class, which it is proposed to open at Sibpur.
Ditto Schools, General	5,39,000	5,45,000	5,51,000	5,69,000	The increase is due chiefly to increased provision for boarding charges of the Kurseong Boarding School, and for increased grants for rewards to gurus in Primary Schools.
Ditto ditto, Special	1,44,000	1,52,000	1,42,000	1,87,000	The increase is chiefly due to the increase of establishment under Survey Schools, owing to the amalgamation of the Bihar Industrial School with the Patna Survey School, and to increased provision for the purchase of works of art.
Grants-in-aid	6,05,000	6,20,000	6,15,000	6,25,000	
Scholarships	1,94,000	1,94,000	1,89,000	1,94,000	
Miscellaneous	53,000	47,000	57,000	56,000	
Refunds	1,000	6,000	1,000	2,000	
Total ...	26,33,000	26,72,000	26,15,000	27,76,000	

24.—Medical—

HEADS.	Actuals, 1894-95.	Budget estimate, 1895-96.	Revised estimate, 1895-96.	Estimate, 1896-97.	REMARKS.
1	2	3	4	5	6
Medical Establishment	7,00,000	6,97,000	7,00,000	7,10,000	
Hospitals and Dispensaries	4,41,000	4,42,000	4,52,000	5,45,000	Increase in 1896-97 is due to provision for purchase of instruments, clothing and bedding of patients in the General Hospital, Medical College and Campbell Hospitals, and also for a grant of Rs. 23,500 to the new Bhawanipur Hospital
Sanitation and Vaccination	2,21,000	2,21,000	2,23,000	2,26,000	Increase chiefly under Travelling Allowances.
Grants for medical purposes	3,000	3,000	3,000	3,000	
Medical Schools and Colleges	2,93,000	2,97,000	3,00,000	2,94,000	
Lunatic Asylums	1,14,000	1,18,000	1,14,000	1,20,000	
Leper Asylum	.....	.. ..	..	14,000	New provision.
Special Hospital	16,000	16,000	16,000	16,000	
Chemical Examiner	24,000	24,000	24,000	28,000	Provision has been made for the salary of a more highly-paid officer as Chemical Examiner.
Refunds	1,000	1,000	1,000	1,000	
Total ...	18,13,000	18,19,000	18,35,000	19,63,000	

25.—Political—

Entertainment of Envoys and Chiefs	1,000	1,500	1,000	2,000	
Durbar presents and allowances to vakils, &c. ...	27,000	17,000	8,000	17,000	The high actuals in 1894-95, included value of articles for presentation purchased in 1893-94.
Miscellaneous	8,000	7,500	8,000	9,000	The estimate for 1896-97 includes provision for the demarcation of Nepal boundary and unforeseen charges.
Total Provincial ..	36,000	26,000	17,000	28,000	

26.—Scientific and other Minor Departments—

Provincial Museums	16,000	17,000	17,000	18,000	
Donations to Scientific Societies	14,000	14,000	16,000	16,000	Includes a provision of Rs. 2,000 for grant to the Buddhist Text Society.
Experimental cultivation	19,000	21,500	21,000	14,000	Expenditure on prevention of silk-worm disease reduced.
Cinchona Plantation	1,59,000	1,03,000	2,60,000	1,75,000	The estimate for 1896-97 includes Rs. 50,000 for the purchase of cinchona bark, while that for 1895-96 included a provision of Rs. 71,000 for the purchase of the Nimbong Plantation Rs. 55,000 for the purchase of cinchona bark and quinine and Rs 6,500 for extension of the Mangpu plantation.
Public Exhibitions and Fairs	2,000	2,000	2,000	2,000	
Imperial Institute	..	500	.. ..	500	
Veterinary School charges	14,000	19,500	16,000	18,000	
Botanic and other Public Gardens	1,19,000	1,20,000	1,23,000	1,21,000	
Emigration	25,000	24,000	25,000	24,000	
Census	2,000	2,000	2,000	2,000	
Registration of Railway Traffic	4,000	4,000	4,000	6,000	
Ditto of River and Road-borne Traffic ...	18,000	18,000	18,000	18,000	
Povincial Statistics	2,000	2,200	2,000	2,000	
Examinations	3,000	3,300	3,000	3,500	
Refunds	1,000	.. ..	1,000	1,000	
Charges in connection with Indian Factories ..	21,000	20,000	23,000	22,000	
Miscellaneous	4,000	.....	9,000	4,000	
Inspector of Explosives	.....	.....	2,000	2,000	
Total Provincial ...	4,23,000	4,61,000	5,34,000	4,49,000	

29.—Superannuation—

Superannuation and retired allowances	17,56,000	17,75,000	18,02,000	18,60,000	This charge increases yearly. The estimates are based on the claims registered in the Accountant-General's Office.
Compassionate allowances	17,000	23,000	18,000	22,000	
Gratuities	7,000	8,000	8,000	8,000	
Total ...	17,80,000	18,05,000	18,28,000	18,90,000	

30.—Stationery and Printing—

HEADS.	Actuals, 1894-95.	Budget estimate, 1895-96.	Revised estimate, 1895-96.	Estimate, 1896-97.	REMARKS.
1	2	3	4	5	6
Stationery Office	1,54,000	1,57,000	1,57,000	1,58,000	Represents the amount deducted from the Contract Contingent grant of the departments concerned.
Ditto purchased in the country	64,000	70,000	65,000	70,000	
Government presses	4,03,000	3,88,000	3,65,000	3,68,000	The decrease is due to the transfer of the charges from the Book Depôt to the Civil Secretariat budget under General Administration.
Printing at private presses	1,000	..	.. ..	.	
Stationery supplied from Central Stores	5,90,000	7,00,000	6,40,000	6,25,000	The estimate advised by the Superintendent of Stationery has been adopted.
Refunds	1,000	1,000	1,000	1,000	
Total ...	11,23,000	13,16,000	12,28,000	12,22,000	

32.—Miscellaneous—

Contributions	15,000	13,000	15,000	15,000	The charges represent the outlay for maintaining and working the telegraph lines between Dewangiri and Chittagong and Dumka and Rampur Hat.
Travelling allowances to Covenanted and Uncovenanted Officers attending examinations ...	3,000	3,000	2,000	3,000	Based on actuals.
Rewards for proficiency in Oriental languages and allowances to Language Examination Committee	5,000	8,000	5,000	6,000	
Cost of books and publications	1,000	1,000	1,000	1,000	
Donations for charitable purposes	1,06,000	98,000	1,22,000	1,00,000	The increase in the revised estimate for 1895-96 is due to the payment of Rs 24,000 towards the cost of land for the Leper Asylum at Gobra.
Charges on account of European vagrants	5,000	6,000	6,000	6,000	
Rewards for destruction of wild animals	15,000	19,000	16,000	18,000	
Petty establishments	30,000	30,000	33,000	36,000	The Western Duars of Jalpaiguri, which were reserved by the Military Department for khedda operations, having been retransferred to the Civil Department with effect from 1st April 1895, increased provision has been made for khedda establishment in 1896-97.
Special Commissions of Enquiry	....	10,000	1,000	10,000	A lump provision made to meet possible charges.
Rents, rates and taxes	25,000	34,000	27,000	35,000	
Miscellaneous and unforeseen charges	11,000	14,000	12,000	8,000	
Ditto refunds	10,000	4,000	8,000	6,000	
Irrecoverable temporary loans written off	3,000	4,000	2,000	3,000	
Total ...	2,29,000	2,44,000	2,50,000	2,47,000	

40.—Subsidised Companies, Land, &c.—

Duars Railway Land	.....	.....	1,000	.....	

42.—Irrigation—Major Works (Working Expenses)—

Orissa Canals	4,57,000	4,40,000		4,94,000	
Midnapore Canal	2,16,000	3,12,000		3,04,000	
Hijili Tidal	45,000	50,000		50,000	
Sone Canals	6,55,000	6,88,000		6,17,000	
Total ...	13,73,000	14,90,000	13,50,000	14,65,000	

42.—Irrigation—Major Works (Interest on Debt)—

HEADS.	Actuals, 1894-95.	Budget estimate, 1895-96.	Revised estimate, 1895-96.	Estimate, 1896-97.	REMARKS.
1	2	3	4	5	6
Orissa Canals	10,18,000	10,27,000			
Midnapore Canal	3,29,000	3,30,000			
Hijili Tidal	72,000	72,000			
Sone Canals	10,39,000	10,39,000			
Total ...	24,58,000	24,68,000	24,66,000	24,67,000	

43. Minor Works and Navigation in charge of the Public Works Department—

WORKS FOR WHICH CAPITAL AND REVENUE ACCOUNTS ARE KEPT.					
CAPITAL.					
Works in Progress.					
Calcutta and Eastern Canals	1,076	1,20,000		4,31,000	Includes Rs. 3,50,000 for the improvements of the Bhangore Khal.
Midnapore canal	...	10,000		1,300	
Hijili Tidal ,, ...	1,06,322	1,65,000		24,000	
Orissa Coast ,, ...	46,942	48,000		41,000	
Damodar Project	−1,200	.....		.....	
Orissa Canals	25,422	5,000		5,000	
Sone ,, ...	1,139	8,000		24,700	
Total Capital ...	1,79,701	3,56,000		5,27,000	
REVENUE.					
Orissa Coast Canal	83,437	75,000		71,000	
Calcutta and Eastern Canals	2,76,376	2,80,000		2,61,000	
Saran Canals	4,661	5,000		900	
Total Revenue ..	3,64,474	3,60,000		3,32,900	
Total Works for which Capital and Revenue Accounts are kept.	5,44,175	7,16,000		8,59,900	
Works for which only Revenue Accounts are kept.					
WORKS IN PROGRESS.					
Nadia Rivers	1,32,385	1,30,000		1,29,000	
Gaighatta and Buxi Khals	27,269	10,000		700	
Total works for which only Revenue Accounts are kept.	1,59,654	1,40,000		1,29,700	
Works for which neither Capital nor Revenue Accounts are kept.					
WORKS IN PROGRESS.					
Eden Canal	60,823	70,500		68,600	
Madhuban Canal					
Total works for which neither Capital nor Revenue Accounts are kept.	60,823	70,500		68,600	
Total Irrigation and Navigation Works	7,64,652	9,26,500		10,58,200	
AGRICULTURAL AND DRAINAGE WORKS.					
Works for which neither Capital nor Revenue Accounts are kept.					
WORKS IN PROGRESS.					
Government Embankments and Works for the improvement of Government and Escheated Estates.	6,93,176	6,95,500		7,44,600	
Midnapore Takavi Embankments under contract .					
Gandak Takavi Embankments under contract ...					
Works in charge of Civil Officers					
Total Agricultural ...	6,93,176	6,95,500		7,44,600	
GRAND TOTAL ...	14,57,828	16,22,000	17,00,000	18,02,800	

43.—Minor Works and Navigation in charge of Civil Officers—

HEADS.	Actuals, 1894-95.	Budget estimate, 1895-96.	Revised estimate, 1895-96.	Estimate, 1896-97.	REMARKS.
1	2	3	4	5	6
Embankments under the contract system—					
Establishments	2,000	1,872		1,452	Decrease due to the transfer of two clerks to the Certificate Department of the Midnapore Collectorate.
Contingencies		128		148	
Maintenance charges of the Dankuni Canal—					
Establishments	2,000	2,400		2,400	
Contingencies					
Add for rounding ...	.....	600		.. .	
Total ...	4,000	5,000	5,000	4,000	

45.—Civil Works in charge of the Public Works Department—

Original Works	8,94,000	9,83,000		25,70,000	
Repairs	9,13,000	9,47,000		9,80,000	
Establishment	7,58,000	7,37,000		7,21,000	
Tools and Plant	21,000	29,000		29,000	
Suspense	—95,000	. ...		.. ..	
Total ..	24,91,000	26,96,000	30,03,000	43,00,000	

54.—Civil Works in charge of the Civil Department—

	Rs.	Rs.	Rs.	Rs.	
Ferry charges	7,000	10,000	10,000	10,000	
Refunds of ferry tolls	16,000	18,000	16,000	24,000	
Contributions to Excluded Local Funds	59,000	40,000	30,000	50,000	The actuals of 1894-95 include a grant of Rs. 31,000 to the Corporation of Calcutta for improvements in Hastings.
South Lushai Hills	57,000	68,000	58,000	56,000	
Grant to the District Officer, Angul, for public works.	....	.....	7,000	... .	
Sibpur Engineering College	50,000	.. ...	12,000	90,000	The estimate for 1896-97 provides for the installation of electric lighting and for the construction of a new blacksmith's shop at the Sibpur Engineering College.
Grant to the Political Officer, Sikkim, for public works.	. .	.....	29,000	... ..	
Recreation ground at Calcutta	50,000	.	14,000	. ...	
Total ..	2,39,000	1,36,000	1,76,000	2,30,000	

[*Mr. Risley.*]

THE BENGAL LOCAL SELF-GOVERNMENT ACT, 1885, AMENDMENT BILL.

The Hon'ble MR. RISLEY moved for leave to introduce a Bill to amend the Bengal Local Self-Government Act of 1885. He said:—

"The measure is a short and simple one, and I have little to add to the Statement of Objects and Reasons before the Council. The immediate object of the Bill is, as is there stated, to enable District Boards to spend the funds at their disposal on veterinary purposes, that is to say, on the establishment of dispensaries for the treatment of the diseases of cattle, horses and other animals, on the employment of duly qualified Veterinary Assistants in the district, and also on creating scholarships to be held at the Bengal Veterinary College at Belgatchia, which was founded some three years ago. This forms part of a large scheme initiated by the Government of India with the object of dealing with the prevention of cattle disease throughout India. Measures have been taken in each province in this direction. In Bombay a considerable number of District Boards have established veterinary dispensaries; and I believe the same has been done in the Panjab. The general idea is to have Veterinary Assistants, somewhat on the lines of the Medical Civil Hospital Assistants, who would, as a rule, be employed by Local Boards, the supervising staffs being paid from Provincial Revenues. I stated that in Bombay considerable action has been taken, and there has been no lack of interest in our Boards as well. Six Boards have sanctioned scholarships and stipends at Belgatchia, and sixteen Boards have expressed the desire to offer employment to Veterinary Assistants. It was held, however, doubtful whether it is within the legal powers of local bodies generally, and of District Boards in particular, to spend funds for this purpose, and in communication with the Government of India, it has been decided to amend the Bengal Local Self-Government Act and to bring it into line with the Local Self-Government Acts of other Provinces in this respect, to enable the Imperial scheme to be carried out and District Boards to take the necessary action. The sections of the Bill which give effect to these proposals are sections 8 and 10.

[*Mr. Risley.*]

"It is further proposed to take advantage of the Act coming under amendment to remove certain defects which the experience of the last ten years has brought to notice. There are but few of such defects, for on the whole the Act has worked remarkably well. It happens, however, that the defects are more conspicuous in the complicated provisions of the Act, which deal with the constitution of District and Local Boards. Section 10 of the Act expressly lays down that if within a certain time two-thirds of the members of a Local Board are not appointed by the persons entitled to vote, the Local Government may step in and cure the defect by appointment, but the more important case in which the members of a Local Board, acting under section 7, make default in electing their representatives on the District Board is not met by the Act at all. The case which I have mentioned is absolutely omitted, and it is now proposed to amend the defect. Again, section 19, which deals with casual vacancies—bye-elections—occurring among District and Local Boards, and further, sections 23, 26 and 29, which define the procedure to be followed in original and bye-elections of Chairmen and Vice-Chairmen, are also defective in the same respect. It was thought that these defects might be got over by rules framed under the Act, but it has been held that such rules would be *ultra vires* to deal with these particular defects in that form. Sections 2 to 8 of the Bill supply these omissions. They provide that whenever an election of a member, Chairman or Vice-Chairman is not held within the prescribed time, as laid down by rule by the Local Government, the Lieutenant-Governor may intervene to fill the vacancy by appointment. The opportunity has also been taken to supply an omission, in the rule-making section, which has been brought to notice in a recent case. Section 11 of the Bill gives power to the Local Government to determine the authority who shall decide disputes which arise with reference to elections under the Act. It follows exactly the precedent furnished by the last amendment of the Bengal Municipal Act. The next point which the Bill deals with is that of empowering District Boards to spend money on the training, by means of scholarships and stipends, of medical practitioners, and especially female medical practitioners, and within it is included the training of veterinary practitioners; and in point of fact, certain District Boards have spent money on such purposes. The desirability of conferring such power has been admitted for a long time past, and has only

been deferred pending an opportunity for amending the Act. The precedent which has been followed is section 95 of the Madras District Boards Act, V of 1884. Section 9 of the Bill also contains a provision empowering District Boards to spend money on the promotion of free vaccination. The system of vaccination ordinarily prevalent in Bengal is known as licensed vaccination. A number of vaccinators are licensed, and are empowered to charge fees, but in some districts the system has been found not to work well, and there District Boards have found it desirable to appoint selected men to go about vaccinating people free of charge. This has been done, to some extent, successfully in the districts of Dacca and Chittagong, where there are special difficulties in the way of the system of licensed vaccination. The defect in the Act was brought to notice by the Commissioners of those Divisions, who urged that sections 92 to 96 of the Act should be extended, so as to legalise the action taken by the District Boards. On a reference, however, to the Law Officers, it was found that the effect of this proposal would be to bring into force the system of compulsory vaccination, which was utterly unsuited to rural areas. The amendment has the object of legalising the action already taken in some places, and also of enabling Local Boards to devote a portion of their funds to providing free vaccination in districts where the licensed system is difficult to work."

The Motion was put and agreed to.

THE BENGAL MUNICIPAL ACT, 1884, AMENDMENT BILL.

The Hon'ble MR. RISLEY also moved for leave to introduce a Bill to further amend the Bengal Municipal Act, 1884. He said:—

"This also is a small measure and a very simple one. The main object which has given rise to it is the same as I have explained, with reference to the amendment of the Local Self-Government Act. It is proposed to enable Municipal Commissioners in Bengal to devote a portion of their funds to veterinary purposes. In point of fact one municipality has already done so, and as a matter of form it is desirable that their action should be legalised. The provisions necessary for this purpose are embodied in section 5 of the Bill, and, as in the case of the other Bill, it is proposed to take advantage of the opportunity for amendment to remove two flaws in the Act, which was passed

[*Mr. Risley.*]

in 1894 for the amendment of the Bengal Municipal Act. It seems that when the amending Bill was passed, these defects escaped observation, and one of them at any rate calls for immediate correction. One of these defects consists in the fact that section 53 of the Act, as amended by Act IV of 1894, is extremely obscure as to its meaning. The amendment in question was, I believe, introduced towards the end of the discussions in Select Committee and shortly before the final passing of the Bill. I have had the advantage of discussing the clause with the Hon'ble Member who introduced it, and with another Hon'ble Member who was also a member of the Select Committee, and I think I understand what was intended. It confers the occupancy franchise for municipal purposes on all persons who hold appointments and receive salaries of not less than Rs. 50 a month, and the section, as now drafted, does that simply, and is not complicated by the conditions now embodied in the Act. The clause thus amended will create what may be described as a lodger franchise, the receipt of a salary of Rs. 50 a month being taken as a guarantee of respectability. The general municipal elections in Bengal will take place in October next, and it is extremely desirable that all doubts should be removed, so that persons who are entitled to vote should be enabled to vote in that election, and I believe the clause will have that effect. Another oversight which also requires correction is found in section 37 (*l*) of the Act. It forms part of the procedure for compelling a municipality, under certain circumstances, to provide themselves with a water-supply, and it enacts that when that procedure is resorted to, the ordinary procedure relating to water-supply should of itself take effect. The ordinary procedure, I may explain, is that when a municipality applies for the extension of Part VII of the Act, it becomes the duty of the Commissioners to levy a water-rate. Obviously when the compulsory procedure is applied, the Commissioners would be reluctant to levy a water-rate. The first draft of section 37 (*l*) contained the words 'under the last preceding section,' but for some reason those words were omitted in the final draft, and the result is that the ordinary procedure for introducing a water-rate has been rendered inoperative and thrown out of gear. The Bill proposes to insert the words 'under the last preceding section' and thereby to limit the effect of that section to the cases to which it was intended to apply. The ordinary procedure is that a water-rate is introduced on the Commissioners applying for the extension of Part VII of the Act, and that procedure remains as it stands in the Act.

[*Mr. Risley.*]

"By the last section of the Bill (section 5) a provision is inserted which will enable a municipality of its own choice to spend money on the training and employment of medical and veterinary practitioners. One municipality has, in point of fact, as I said just now, spent money on the training of certain veterinary students, and it is desirable that their action should be legalised."

The Motion was put and agreed to.

The Council adjourned to Saturday, the 4th April, 1896.

CALCUTTA;
The 15th April, 1896.

F. G. WIGLEY,
Offg. Assistant Secretary to the Govt. of Bengal,
Legislative Department.

Reg. No. 52G—300—16-4-96.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892.

The Council met at the Council Chamber on Saturday, the 4th April, 1896.

Present:

The Hon'ble SIR ALEXANDER MACKENZIE, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.
The Hon'ble H. J. S. COTTON, C.S.I.
The Hon'ble C. A. WILKINS.
The Hon'ble C. E. BUCKLAND, C.I.E.
The Hon'ble C. W. BOLTON.
The Hon'ble H. H. RISLEY, C.I.E.
The Hon'ble M. FINUCANE.
The Hon'ble RAI DURGA GATI BANERJEA BAHADUR, C.I.E.
The Hon'ble SURENDRANATH BANERJEE.
The Hon'ble J. G. WOMACK.
The Hon'ble MAULVI MUHAMMAD YUSUF, KHAN BAHADUR.
The Hon'ble A. M. BOSE.
The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR.
The Hon'ble GURU PROSHAD SEN.
The Hon'ble W. B. GLADSTONE.
The Hon'ble M. S. DAS.

QUESTIONS ON THE FINANCIAL STATEMENT.

The Hon'ble THE PRESIDENT said:—"Hon'ble Members have had placed in their hands a long list of questions relating to the Budget Statement, and I find that it has been the practice in this Council to allow questions of that kind to be put before the discussion on the budget takes place. But it appears to me that this practice is altogether irregular, beyond the intention of the rules, and calculated only to waste the time of the Council. In the Supreme Legislative Council any Member can draw attention to any point in the budget and can ask any question regarding it; he receives an answer from the Finance Member, to whom notice is generally previously given of the points on which information

is wanted. I think the practice of this Council ought to conform to that of the Supreme Council. We shall always be ready to give full information beforehand regarding any point, if applied to, and Members can then deal with them in their speeches, and we shall try to answer all questions put in the speeches. I shall not interfere on this occasion, but I wish it to be distinctly understood that I consider the practice of putting questions like this to be irregular, and I do not pledge myself to adhere to it in future years. The rules relating to the discussion of the Financial Statement have a separate heading. Rule 3 says:—'After the explanation of the Financial Statement has been given, each Member shall be at liberty to offer any observations he may wish to make on the statement.' It makes no provision for interpellations prior to the debate.

"The rules relating to asking questions refer to other matters altogether, and are under a distinct and separate heading. It appears to me that to ask a string of formal questions, and then to discuss the whole thing over again, is a waste of time. As I have said, I will not pledge myself to continue the present practice in future years."

SCARCITY OF WATER.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(*a*) Whether the attention of the Government has been called to the reports which have appeared in the newspapers (*vide* the *Hindu Patriot* of the 24th March, the *Indian Mirror* of the 24th March, the *Statesman* of the 28th March, and the *Amrita Bazar Patrika* of the 28th March) regarding the prevalence of scarcity of water in the 24-Parganas, Howrah, Hooghly and Burdwan districts, and in other parts of the country? Will the Government be pleased to enquire into the matter and to instruct the District Boards to make provision for an adequate supply of water in the affected tracts, and take such other steps as to the Government may seem fit?

(*b*) Will the Government consider the expediency of instructing the District Boards to set apart an adequate percentage of their income, having regard to all circumstances, to meet the growing scarcity of water which is being more and more keenly felt every year?

[*Mr. Bose.*]

The Hon'ble MR. A. M. BOSE asked—

Is the Government aware of the great amount of suffering and distress caused by scarcity of water in many parts of the Province, and of the likelihood of this increasing with the advance of the year, and the further drying up of the sources for the supply of water?

Has its attention been drawn to the following statement appearing in the correspondence column of the *Englishman* of the 27th March, under the heading "A grave complaint," the writer referring to tracts on the borders of the Jessore and Nadia districts:—

'In many villages not a drop of water is available within a mile or two. The poor wretched people have to fetch it from great distances, and even then, such as it is, a thick solution of mud and water. Rivers are almost dry, and tanks and wells have long since dried. It is only in a few low-lying hollows that water of any sort can be had; and is this to prove the sustenance of thousands of human beings, or of greater numbers of cattle?'

And also to paragraphs and letters on the same subject appearing in a great many other papers (*e.g.*, the *Indian Mirror* of the 25th and the 18th March, the *Amrita Bazar Patrika* of the 26th and 24th March, &c.)?

Is the Government aware that a much larger expenditure for the supply of drinking-water in rural areas would be hailed as a blessing and a mercy by the people, even if this should involve a curtailment of the expenditure now incurred under the head "Communications—Original Works"? Will the Government state how much was spent by the District Boards in the year 1894-95 for this latter purpose, with the cost of necessary establishment, and how much for water-supply?

Will the Government be graciously pleased to draw the special attention of the District Boards, if it has not already done so, to the suggestion contained in paragraph 48 of the Government Resolution on the working of District Boards, published in the *Calcutta Gazette* of the 4th December last, viz., that each District Board should spend *at least* Rs. 5,000 annually for the improvement of water-supply, and also to the necessity of largely exceeding this minimum whenever the state of the water-supply in any district should call for it, and that speedily?

And will the Government be pleased to take such other steps as to it may appear desirable in the circumstances of the case, in order to mitigate the sufferings of a very large number of poor people throughout the Province?

[*Mr. Risley ; The President.*]

The Hon'ble MR. RISLEY replied :—

" The Government is aware that owing to the unusual dryness of the season water is very scarce in some districts. As was stated by me in replying to the Hon'ble Babu Guru Proshad Sen at the last meeting of Council, the special attention of District Boards has been called to the subject, and certain suggestions have been made to them. District Officers have also been instructed to make known, as widely as possible, that loans will be granted under the Land Improvement Loans Act, 1883, for the construction of wells and tanks for the use of men and cattle employed in agriculture.

"Rupees 10,08,267 was spent by the District Boards in Original Works—Communications—in 1894-95 and Rs. 63,768 on Water-supply. The cost of the establishment employed on Original Works—Communications—cannot be separately stated.

"The Government fully recognizes the importance of improving the water-supply of rural villages, and will continue to press the subject on the attention of the Boards ; but there are difficulties in fixing a definite percentage of income to be devoted to this purpose. Each District Board must take into consideration the circumstances of the district."

The Hon'ble THE PRESIDENT said :—" I should like to say, with reference to this important matter, that even if we recognise fully the duty of District Boards to do all that lies within their power, it will after all be a mere flea bite in comparison with the wants of the country. I have been in communication with some Commissioners in regard to this matter, and I find that obstructions are often thrown in the way of District Boards by the fact that most of the best drinking-water tanks are private property. I do hope that at a time like this zamindars and others who own tanks will do what they can to aid District Boards by cleaning and improving their tanks, and that those who have the means will devote a part of their means, as a religious duty, to the supply of tanks and wells for the people who are crying out for water. At the same time we must recognise the fact that the people must and can do a great deal to help themselves. In a great part of Bihar water is nearly always found at a depth of about 15 feet below the ground, and the cost of sinking *kutcha* wells is only Rs. 6 or Rs. 8. It is scarcely possible that either the Government or the District Boards, if there is a general failure of rain, can

[*The President; Babu Surendranath Banerjee; Mr. Cotton.*]

supply the wants of 70 millions of people, and I hope that a good deal will be done by the people themselves, and that difficulties will not be thrown in their way by land-owners and others. In Central Bengal I am afraid that things are worse than in Bihar, because there the tanks must, for the most part, be filled by rainfall. But I can assure Hon'ble Members that the attention of all District Officers has been called to this matter, and that the Government will lose no opportunity of doing what they may be advised is feasible. But what we must all do under the circumstances is to pray for rain."

APPOINTMENT OF SUBORDINATE JUDGES AS ASSISTANT SESSIONS JUDGES.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

I have to call attention to the following Notification of the Government which appeared in the *Calcutta Gazette* of the 13th November, 1895:—

"Calcutta, the 8th November, 1895.

"*No. 1859.*—In exercise of the power conferred by the Statute 33 Vict., Cap. 3, section 6, and in continuation of the rules published in Notifications No. 2159, dated the 2nd November, 1892, and No. 67, dated the 24th January, 1895, the Governor General in Council has been pleased to make the following rule, which has been sanctioned by the Secretary of State in Council, with the concurrence of a majority of the members present:—

'The Government of Bengal may appoint any Subordinate Judge, being a member of the Provincial Civil Service and a native of India of proved merit and ability, to be also an Assistant Sessions Judge.'

and I have to ask what steps have been taken to give effect to the above Notification, and when the appointment of Subordinate Judges as Assistant Sessions Judges is likely to be made?

The Hon'ble MR. COTTON replied:—

"The subject of the Hon'ble Member's question is still under discussion between the High Court, the Bengal Government, and the Government of India."

[*Mr. Das ; Mr. Bose.*]

TRANSFER OF SALT DEPARTMENT OF ORISSA FROM MADRAS TO BENGAL GOVERNMENT.

The Hon'ble MR. M. S. DAS asked—

(*a*) Will the Government be pleased to state whether any step has been taken to retransfer the Salt Department of Orissa from the Madras to the Bengal Government?

(*b*) Has the attention of Government been drawn to the fact that the practical result of placing the Salt Department of Orissa under the Madras Government has been the closing of a local manufacturing industry and consequent loss of means of livelihood to several thousands of men?

(*c*) Has the attention of Government been drawn to the judgment of the Sessions Judge in Criminal Appeal (No. 29B., 1st quarter of 1893), which was published in the *Utkul Dipica* of the 20th May, 1893, which shows how harassing and illegal the proceedings of the salt officers engaged to prevent illicit manufacture in Orissa have been?

(*d*) If the attention of the Government has not been drawn to this judgment, will the Government be pleased to refer to it and take early steps to remedy the evil?

The Hon'ble MR. A. M. BOSE asked—

With reference to the following summing up as to the effects of the change to the Madras system in connection with the manufacture of indigenous salt in Orissa, which occurs in paragraph 97 of the Administration Report of the Commissioner of that Division (*vide Calcutta Gazette* of 23rd October last), viz.:—

"That the system has injured Orissa by destroying a local industry.

"That the system does not lend itself to work harmoniously with the Bengal system of civil administration.

"That much petty harassment has been perpetrated in pursuit of a chimerical object.

[*Mr. Bose; Mr. Risley; Babu Surendranath Banerjee.*]

"That the main object of the change has not been attained after nine years of trial, in that the consumption is actually less than it was before the new system was introduced.

"That financially it involves a loss of revenue."

and to the Commissioner's recommendation for return to the old system of salt administration, will the Government be pleased to state if any inquiry has been instituted or other action taken in connection with the subject?

The Hon'ble MR. RISLEY replied:—

"(*a*) The question of transferring the administration of the Salt Department in Orissa from Madras to Bengal is now under consideration in communication with the Government of India.

"(*b*) The Hon'ble Member is understood to refer to the gradual withdrawal of licenses for the manufacture of *panga* salt in Orissa. This policy was deliberately adopted in 1884, with the concurrence of the Government of India, experience having shown that *panga* manufacture is difficult of supervision and dangerous to the revenue, while the salt which it produces cannot compete on even terms with other kinds of salt.

"(*c*) and (*d*) The attention of the Government had not been drawn to the judgment quoted, but in connection with somewhat similar cases, the question of amending the salt law for the whole of Bengal, including Orissa, is now under consideration in communication with the Government of India."

LICENSE AND DISTILLERY FEES.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(*a*) The revenue derived from license and distillery fees and duties for the sale of liquors and drugs shows a steady tendency to increase. The actuals for 1894-95 under this head were Rs. 96,21,000; the revised estimates for 1895-96 bring the figure up to Rs. 1,03,03,000. The budget estimates for 1896-97 have been fixed at the same figure. Will the Government be pleased to state how much of this revenue was derived from outstills in 1894-95 and in 1895-96?

(*b*) Will the Government be pleased to give the number of outstills in 1893-94, 1894-95, and 1895-96?

The Hon'ble MR. RISLEY replied:—

"The receipts from outstills in 1894-95 were Rs. 29,92,913, but the figures for 1895-96 cannot be given, as the accounts of the year have not been

closed. In framing revised estimates, separate estimates are not prepared of receipts under the different heads, so that it is impossible now to give details of the estimated total of Rs. 1,03,03,000 in 1895-96.

"The number of outstills in 1893-94 was 2,009, and in 1894-95, 2,038, but the former figure does not include 34 branch shops for which separate licenses were not issued in that year. If these be added, the net result is a reduction of 5 outstills in 1894-95. The returns for 1895-96 have not been received by Government."

MIDNAPORE CANAL.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

The receipts from the Midnapore Canal show a steady tendency to decrease, while the working charges have risen from Rs. 2,16,000 (the actuals for 1894-95) to Rs. 3,04,000, the budget estimates for 1896-97, the revised figures for 1895-96 not being given. The actuals under the head of Receipts for 1894-95 were Rs. 2,95,000, the revised estimates for 1895-96 were Rs. 2,77,000, the receipts for 1896-97 have been estimated for Rs. 2,40,000. Explanation is solicited as to the reason of this steady decrease in the receipts, and of the increase in the working charges?

The Hon'ble MR. RISLEY replied:—

"The decrease in the receipts from the Midnapore Canal is caused by the falling off in water-rates owing to seasons of favourable rainfall and consequent reduction in the leased area, and also to a number of long leases having expired in the years 1893-94 and 1894-95 and not having been renewed. The receipts under Navigation in 1894-95 showed a marked increase over previous years. It is expected that the actuals for 1895-96 will exceed the revised estimate, and the budget estimate for 1896-97 anticipates receipts from Navigation equal to those of 1894-95.

"During the last two years heavy expenditure has been incurred under the heads of Maintenance and Tools and Plant owing to extensive repairs required for the distributaries, renewal of lock-gates, and thorough repairs to dredging plant.

"An increase of some Rs. 30,000 under the head of Establishment is mainly apparent, and is due to the distribution of the whole Irrigation Establishment under various heads of account."

[*Babu Surendranath Banerjee ; Mr. Cotton.*]

NUMBER OF MUNSIFS IN BENGAL.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(*a*) From a statement submitted to this Council on the 23rd March, 1895, it will be seen that the number of Munsifs has been increased from 262 in 1890 to 289 in 1893, and that the number of cases, contested and uncontested, has risen from 407,809 in 1890 to 523,825 in 1893, the contested cases under the Small Cause Court procedure showing an increase of nearly 50 per cent., being 11,168 in 1890 and 21,610 in 1893. The number of Munsifs was increased from 1890 to 1893 by about 10 per cent., but the number of cases increased by nearly 25 per cent. Having regard to the frequent postponements which take place in connection with cases tried by Munsifs for the delay and inconveniences to which the public are thereby subjected, will the Government be pleased to add to the number of Munsifs, corresponding to the increase which has taken place in the number of cases, so that they may be able to cope with the work.

(*b*) Will the Government be pleased to state the number of Munsifs employed in 1894-95 and 1895-96, and the number of cases disposed of by them, showing the number of contested and uncontested cases in each year and the average number of cases disposed of per Munsif?

The Hon'ble MR. COTTON replied:—

"(*a*) The figures quoted by the Hon'ble Member lead to misconception unless the details of which they are made up are also considered. Comparing the figures of 1890 with those of 1894, the last year for which figures are available, the details are as follows:—

Year.	Number of Munsifs.	Original disputes disposed of under ordinary procedure.		Original suits disposed of under Small Cause Court Procedure.		Total.
		Contested.	Uncontested.	Contested.	Uncontested.	
1	2	3	4	5	6	7
1890	262	77,060	244,673	11,168	74,908	407,809
1894	292	87,883	270,320	24,382	159,281	541,866

"The average total number of cases disposed of by a Munsif was 1,556 in 1890 and 1,855 in 1894. This appears to be a large increase, but if details are examined it will be found that the average number of contested cases under the ordinary procedure has increased from 294 to 301 only, and the average number of contested cases of all classes from 336 to 384. The increase in the work done by Munsifs is principally in cases under the Small Cause Court Procedure and is due to the change of policy under which Munsifs are now generally vested with powers under the Small Cause Courts Act. But these cases are generally uncontested, and, when contested, are tried by a summary procedure. The increase of work per Munsif in contested cases under the ordinary procedure is very slight and is certainly not greater than has devolved upon officers in all branches of the service. To increase the number of Munsifs on the principle proposed by the Hon'ble Member would impose an unnecessary additional expenditure on the public revenues, and the Government is not prepared to comply with the suggestion.

"(*b*) The statistics for judicial work are furnished by the High Court for the calendar year, and figures of the year 1895 are not yet available. The figures for 1894 have already been stated in the answer."

LAND REVENUE CHARGES.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

The actuals for charges of district administration under the heading of Land Revenue show a steady increase. They were Rs. 31,11,000 for 1894-95, the revised estimate for 1895-96 came up to Rs. 31,60,000, the budget estimates for 1896-97 have been fixed at Rs. 32,28,000. In the explanation it is stated that the increase is mainly due to a special provision of Rs. 50,000 for the purchase of a sea-going vessel for the Commissioner of the Sundarbans. If this sum be deducted from the budget estimates, they would still show an increase of Rs. 18,000 over the revised estimate for 1895-96. An explanation is solicited as to this increase of expenditure, and also why it should now be deemed necessary to provide the Commissioner of the Sundarbans with a sea-going vessel?

[*Mr. Risley; Babu Surendranath Banerjee.*]

The Hon'ble MR. RISLEY replied:—

"The increase of Rs. 18,000 referred to is spread over the following items:—Annual increments to the salaries of ministerial officers, travelling allowance, municipal rates and taxes on Government buildings, feed and keep of elephants, and purchase of tents.

"The steamer for which a special provision of Rs. 50,000 has been made in the budget is required for the Commissioner of the Sundarbans, who spends from six to eight months of every year on tour in the large rivers and on the sea-face of the Sundarbans, and has to take with him, for the purpose of surveying waste land grants, some eighty or ninety persons with supplies of food and water and valuable maps and instruments belonging to Government. Under existing arrangements, much time and money is wasted by employing country-boats which at certain seasons are unsafe in the large rivers, and it is believed that the provision of a steamer will materially facilitate the opening up of the Sundarbans."

PREVENTIVE ESTABLISHMENT IN SALT TRACTS.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Under the head of Salt (page 20, Appendix B), the budget estimates for 1896-97 provide an expenditure of Rs. 1,03,000 for salaries, establishment and contingencies. This represents an increase of Rs. 51,000 over the revised estimate for 1895-96. In the explanation which is given it is stated that the estimate includes a provision of Rs. 50,000 for a preventive establishment in the salt tracts. Will the Government be pleased to state whether this is to be a yearly charge upon a permanent establishment, and why it has now been found necessary to entertain this preventive establishment?

The Hon'ble MR. RISLEY replied:—

"Reports have been received alleging that illicit salt is manufactured on a large scale in certain coast districts, and it may be necessary to strengthen the existing preventive establishment either permanently or experimentally for a term of years.

"The matter is under consideration in communication with the Government of India."

COLLECTION OF INCOME-TAX.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

The charges for the collection of income-tax show a steady increase. The actuals for 1894-95 were Rs. 1,81,000, the revised estimates for 1895-96 were Rs. 1,84,000, and the budget estimates for 1896-97 have been fixed at Rs. 1,91,000. An explanation is solicited as to the cause of this increase?

The Hon'ble MR. RISLEY replied:—

"The increase is due partly to the natural growth of the tax, involving the employment of a larger establishment and higher charges for travelling allowance, partly to the adjustment under this head of the salaries of occasional and temporary peons which were formerly charged against Land Revenue, and partly to the progressive increase of the salary of the Collector of Calcutta and the employment of two additional clerks under him."

REGISTRATION DEPARTMENT.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Under "Registration" the budget estimates for 1896-97 provide an expenditure of Rs. 58,000 for superintendence, which represents an increase of Rs. 7,000 over the revised estimate for 1895-96 and the actuals for 1894-95. In the explanation it is stated that provision is made for the salaries and allowances of higher paid officers as Inspectors. Will the Government be pleased to state the number of Inspectors and the salaries and average allowances now drawn by each, together with the salaries and average allowances proposed to be paid to each? Will the increased salaries and allowances be given to the existing staff of Inspectors, or is it proposed to employ a new staff?

The Hon'ble MR. COTTON replied:—

"The increase in the budget estimate for 1896-97 is principally on account of the salaries of the Inspector-General and Inspectors of Registration offices. In 1895-96 a smaller provision was made, as the appointment of the Inspector-General was held by a Statutory Civilian who was entitled to draw only Rs. 960 a month: the present incumbent, who is a member of the Provincial Service, draws Rs. 1,250 a month. In regard to the Inspectors, the smaller

[*Mr. Cotton; Babu Surendranath Banerjee.*]

expenditure in 1894-95 and 1895-96 was due to the appointment of junior officers to act during the absence of Mr. Beames on deputation and of Babu Hari Chaitanya Ghose on leave. The estimate for 1896-97 provides for full salaries of permanent incumbents; there is, however, likely to be a saving on this head, as Mr. Beames has again been placed on deputation.

"There are two Inspectors of Registration whose salaries amount to Rs. 800 and Rs. 600 a month respectively, and it is not proposed to increase the sanctioned charges on this account."

RECOMMENDATIONS OF THE POLICE COMMISSION.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Will the Government be pleased to state what further action has been taken by the Government in the course of the current year 1895-96, over and above what was stated by the Government in this Council on the 30th March, 1895, in reply to a question asked in this connection, to give effect to the recommendations of the Police Commission?

The Hon'ble Mr. COTTON replied:—

"In the statement made in Council on the 30th March, 1895, it was observed that the Government had already sanctioned the expenditure of Rs. 4,29,147 per annum to give effect to the recommendations of the Police Commission, and that a further sum of Rs. 80,168 would be expended in 1895-96, making a total additional expenditure in that year of Rs. 5,09,315. All the proposals of the Commission which were accepted by Government have now been carried out, and nothing remains to be done but the gradual substitution of Sub-Inspectors for Head Constables. This important change is being introduced at the rate of ten per cent. per annum, and the recurring additional charge on this account every year is estimated at Rs. 28,206."

	Rs.
Increase of 453 constables ..	45,427
Ditto of 22 Reserve Sub-Inspectors	6,535
One-tenth cost of substituting Sub-Inspectors for Head Constables	28,206
	80,168

[*Babu Surendranath Banerjee; Mr. Bolton; Mr. Risley.*]

VETERINARY SCHOOL AT BELGATCHIA.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Under the head of Veterinary School Charges, the actuals for 1894-95 were Rs. 14,000, the revised estimates for 1895-96 have been fixed at Rs. 18,000. Has the Government received any petition from the students of the Veterinary School at Belgatchia? What action has the Government taken in connection with this petition? Does the Government propose to raise the school to the position of the Veterinary School at Bombay, or even to that of Lahore?

The Hon'ble MR. BOLTON replied:—

"The petition referred to has been received by the Government, and it is under consideration, together with the question of raising the status of the Veterinary School, in connection with proposals for the organization of a Civil Veterinary Department in Bengal."

QUARTERS FOR MILITARY ASSISTANT SURGEONS.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(*a*) Under "Civil Works in charge of Public Works Department" a sum of Rs. 90,000 has been devoted for the construction of quarters for Military Assistant Surgeons. Will the Government be pleased to state the reasons why it has now been found necessary to build quarters for the Military Assistant Surgeons?

(*b*) Will the Government, in view of periodical outbreaks of small-pox and cholera in Calcutta, take into its consideration the propriety of providing hospitals for cholera and small-pox patients?

The Hon'ble MR. RISLEY replied:—

"By the terms of their service, Military Assistant Surgeons are entitled to be provided with quarters. The existing quarters at the General Hospital were condemned many years ago as unfit for their purpose, and their reconstruction has been deferred hitherto merely on financial grounds.

[*Mr. Risley ; Babu Guru Proshad Sen.*]

"In Calcutta small-pox cases are treated in a special ward attached to the Campbell Hospital, where the accommodation comprises 77 beds, and can be extended indefinitely. Cholera cases are dealt with in the contagious wards of the Medical College and Presidency General Hospitals. Most of the larger hospitals and dispensaries in the mufassal have separate buildings for infectious or contagious cases. On the whole the provision for the treatment of diseases of this kind is believed to be sufficient. Temporary accommodation can easily be run up to meet exceptionally severe epidemics. By section 37(5) (*h*) of the Calcutta Municipal Act, the Commissioners are required to make adequate and suitable provision for preventing or checking the spread of dangerous diseases."

BENGAL FINANCIAL STATEMENT FOR 1896-97.

The Hon'ble MR. RISLEY moved for the discussion of the Bengal Financial Statement for 1896-97.

The Hon'ble BABU GURU PROSHAD SEN said:—"The discussion on the budget, as probably in other matters in this Council, has only, in my humble opinion, an academic interest. However strong we may feel in our views on the Financial Statement, it is not for us to move the slightest amendments in the most trifling items. Then there is a limitation, under which the discussion in this Council is to go on, and which, I respectfully submit, render a free and full discussion impossible. Under the rule it is not permissible to a Member of this Council to enter upon a criticism of Imperial finances, even when the Imperial and Provincial finances are so closely connected and are so interdependent, that to trace out the effect in the one you have to go for the cause in the other. Again, we are privileged to discuss on those branches of revenue and expenditure which are under the control of the Local Government. Some of the budget heads of Revenue are one and the same, and this very limited discussion must be taken in hand with a trembling heart, for there would be no knowing when one would not render himself liable to be called to order for trenching on forbidden grounds. Again, those who claim themselves to be experts in our financial matters, and who certainly have all those informations before them which are not available to the public, are likely to consider such discussion as crude, even if not impertinent.

[*Babu Guru Proshad Sen.*]

Yet, Sir, I feel it my duty to avail myself of the privilege and to make a few observations on the Financial Statement, if for nothing else but to respectfully draw the attention of your Honour's Government to certain figures and facts.

"Turning to the Receipt side, it is clear that there has been such a great expansion of our Revenue on Excise and Stamps, as to give rise to a suspicion that this expansion is not quite normal.

"The Excise Revenue under all heads in the year 1894-95 was 1,25,59,064; it was 133 lakhs in 1895-96 as against a total of Excise Revenue of Rs. 97,75,519 of the year 1882-83. Out of the Excise Revenue of 125½ lakhs of the year 1894-95, Rs. 55½ lakhs were contributed by the outstill and distillery spirits. In 1882-83 the outstill and the distilleries contributed 48 lakhs. I take the year 1882-83 as our excise system came under review because of the results of that year. I shall subsequently show that both the consumption and revenue since the last five years are increasing by leaps and bounds, as it did for some years up to 1884-85. In December, 1883, a Commission was appointed to examine the question of our excise system, with regard to the country-manufactured spirits. This was the Excise Commission of 1883-84. The Resolution of the Government of Bengal in appointing the Commission, states:—'It is unnecessary here to recapitulate all that has been said against and in favour of the outstill system, which is in force over practically the whole area of the Province outside Calcutta and its environs. One thing is clear that there has been a serious increase in drinking among the people. That increase is not confined to the area under the outstill system; but that it has taken place throughout a great part of that area is not open to question. Whether the causes in operation are the same as those which have caused the increase in the smaller area under the Sadar distillery, or whether there are special causes, either inherent in the system or brought into force by the present application, it is impossible for Government to allow this increase in drinking to continue without making every effort to ascertain their causes, and, if possible, to remove them. No *considerations of revenue can be allowed* to outweigh the paramount duty of Government to prevent the spread of intemperance, so far as it may be possible to do so.' These were words dictated by the highest considerations for the welfare of a subject people by a paternal Government, and in pursuance thereof, a searching enquiry, lasting for the best portion of a year, was

made by a body of competent officials, who were generally credited as being experts on the subject. They found that there was an increase in the consumption of every excisable article, with the exception of rum to a greater or less extent throughout Bengal. They found that in almost all the tracts to which the outstill system was extended, this increase was very largely due to faults in the working of the system, chief among which was the suspension in 1878 of the long-established rule limiting the capacity of stills. They found it clearly established that this led to a great and undue cheapening of distilled liquor. They were of opinion that there are two diametrically opposite principles underlying all systems of excise, one of which was irredeemably bad and the other sound. The former they described as forming the right to manufacture liquor without any practical restriction, and the latter is the limitation by various means of the quantity manufactured, and in some way adjusting the amount of revenue realized to the quantity. They therefore recommended, firstly, that whenever there is a large population of drinkers in a comparatively small and easily-defined area, with a trustworthy supervision agency available, the best system is undoubtedly to tax every gallon manufactured, according to the alcoholic strength; secondly, they recommended the following modified system for a number of municipal towns, where they were unable to recommend the re-establishment of central distilleries. All the stills required for such town they suggested should be grouped within one enclosure, the property of Government, for which rent should be charged. The enclosures should be situated outside the inhabited parts of the town, where it would not likely cause nuisance; no retail sale should be allowed at the place of manufacture. Much care should be exercised in the selection of sites for retail shops, both in cities and other municipal towns, and the wishes of the municipal Commissioners on the subject should invariably receive full consideration; thirdly, they recommended that there should be fixed for each district a maximum capacity for all outstills in that district to be fixed in the first instance by the Board of Revenue, and not increased afterwards without the permission of the Board. The local authorities should fix the number of outstills and the size of each still, subject to the approval of the Board, and to the limit as to the aggregate capacity of their districts. The upset price of each still should be proportionate to its working capacity, and should be calculated on the basis of the duty which could be levied on its outturn at a given

strength, the rate of such being fixed by Government for each district; fourthly, that the aggregate capacity of the fermenting vats allowed to each still should be also fixed and should in no case be more than ten times the estimated quantity required for one day's distilation; fifthly, a majority of the Commission (Mr. Reiley dissenting) recommended that a minimum price should be fixed for the cheapest sort of liquor, and that this price should vary according to the circumstances of different districts and the prices now prevailing in them. As a rule the price should nowhere be less than 2 annas for a quart bottle; but in some tracts, when the cheapest price is now very low, the increase should be gradual, and should be less than 2 annas at first. It should be nowhere fixed lower than the rate prevailing at present at the place.

"Then followed several minor recommendations. The revenue came down or rather remained stationary for three or four years, on account of the establishment of distilleries, and the imposition of restriction on outstills. While the excise revenue in 1882-83 was 99½ lakhs and in 1883-84 104 lakhs, the average from 1883—88 was less than 99 lakhs (Rs. 98,94,803). The revenue from country spirits fell off from 52 lakhs of 1883-84 to an average of 49 lakhs. There were not many established cases of smuggling or illicit distillation; not more than in the period when the system of outstills was the only system current. At this point, the wisdom of the suggestion of Excise Commission came to be doubted, and the salutary restrictions imposed on the recommendations of the Excise Commission—at least the principal ones amongst these—have been one by one removed. Thus the principal recommendation was the re-establishment of the distillery system, in cases where there was a large population of drinkers in a comparatively small and easily-defined area; but the change did not find favour with the department. Referring to the merits of outstills and central distilleries, the Commissioner of Excise, in his report of the year 1890-91, observes:—'The change has, in my opinion, been introduced too hastily, and in some tracts should not have been made at all.' Again, in 1893-94, he observes:—'The question of the heavy decline of the distillery revenue in Bihar has for sometime been receiving very careful attention. It was treated at some length in paragraphs 88 and 89 of the last Annual Report, and shortly after formed the subject of a special report to the Board in September, 1893. The distillery system has raised the price of country spirits, and thereby diminished consumption and the receipt from duty; but the cause of sobriety has not been

served, for there is too much reason to believe that there is increased consumption of contraband liquor besides *tari*. In the next sentence it is stated in the report that the cases of illicit distillation, or of smuggling outstill liquor, is not large, but this statement is tried to be softened down by the further statement that such cases are most difficult of detection. Then the conclusion stated is that the right policy in dealing with the case of Bihar is not to bring on compulsory abstention, but to afford people reasonable facilities for obtaining their favourite drink legitimately and at a moderate price.

"These reasonable facilities, under an assumption of increased illicit distillation for which, as is seen above, there is not the slightest proof, are proposed to be given to an urban population, amongst whom only the distillery system prevails, and where, if such cases of illicit distillation were to exist, every such case could be detected by the strong supervising agency and the police force there existing, and already the facilities for obtaining the favourite drink by the process of cheapening is being tried even in distilleries by the reduction of duty, by the reduction of distillery fee, by the reduction even of the license fee; for we learn from the report that from 1st April, 1892, the duty has been reduced from Rs. 2-8 to Rs. 2 in all the districts of the Patna Division, and in Monghyr and Bhagulpur from Rs. 3 to Rs. 2; the burden of distillery fee has also been lightened since the 1st November, 1893. The report says:—'It is not easy to regulate license fees, as they are subjected to auction; yet they were reduced or kept down in 1893-94.' A like reduction has also been made in some parts of the Burdwan Division.

"But even this apparently is not held to be satisfactory. From the report of 1893-94 I find that the number of distilleries has been in that year reduced from 34 to 32 and from the report of 1894-95, that it has gone down to 30. While the distilleries are being abolished, the number of outstills is steadily rising. It was 1,719 in 1890-91, it is 2,038 in 1894-95. It appears from the report of 1890-91 that outstills were abolished in the Burdwan Division; but from the report of 1894-95, I find 42 outstills established in 1891-92, and in 1894-95 there were 44. In the Patna Division, including Monghyr, Bhagalpur, Hazaribagh, the outstills in 1891-92 were 855; the number has in 1894-95 risen to 1072, besides 150 shops supplied by the distilleries; and if we proceed at this rate, the number will, in the course of a year or so, outstrip the figure of liquor shops we had at the date when the Excise Commissioners made their report.

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"A salutary recommendation of the Excise Commission, with respect to outstills, was to group together all the outstills for each town within an enclosure outside the inhabited parts. No attempt seems to have been made to put this suggestion into effect. Not only does this abate nuisances in several parts of a municipal town, but it adds to the other expenses, the cost of carriage, and serves to keep up the price of outstill liquor; and, what is more to the purpose, does not supply the customers a warm drink, which, according to popular impression, is the chief attraction of outstills.

"The Commissioners considered that in almost all the tracts to which the outstill system has been extended, the increase has been very largely due to faults in the working of the system—chief among which has been the suspension in 1878 of the long-established rule limiting the capacity of stills. They considered it clearly established that this had led to a great and undue cheapening of distilled liquor. They condemned the system as irredeemably bad, under which the right to manufacture is farmed without any practical restrictions on the amount which the farmer is entitled to make, and therefore one of their chief recommendations was the limiting of the capacity of the outstills. In 1890-91, the limitation of the capacity of stills and fermenting vessels was receiving close attention. It is said in that year's report:—'When fees were reduced, capacities were reduced also, and the outcry raised by the *abkars* show that the restriction was really felt.' The revenue, however, fell off, though, of course, there were not a greater number of cases of illicit distillation, and the restrictions on the number and capacity of vats, and the maximum capacity of vats were removed in 1893-94.

"The further recommendation of the Excise Commission was with regard to the fixing of a minimum retail price for outstill liquor. The recommendation of the Commission having been tried as an experimental measure in some specified localities, was found to be a success, and was generally adopted. The effect was to keep up the price of country liquor to some extent, and to check the amount of drunkenness, as it was intended to do, but it was found to affect the revenue from outstills, and we find, from the report of 1894-95, that the rule prescribing a minimum price has been done away with everywhere.

"Another recommendation of the Excise Commission was with regard to sites, but though it is said to be receiving attention, the department has views of its own, which are calculated, at no distant date, to remove all the

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restrictions under this head. Thus, in the Excise Report of 1890-91, we find the Excise Commissioner remarking:—'I think that in many cases there has been too much yielding to objections: deference to local option must be consistent with law and order, and local option is not always sufficiently enlightened to command respect': this, in reference to Calcutta and its neighbourhood. The report proceeds:—'We cannot allow a few temperance fanatics to cut off the supply of drink from a population of several thousands, among whom there is a strong demand for spirits.' Their extreme number, according to the report of the Excise Commissioner, taking every man in certain castes addicted to drink to be a drinker, and reckoning also a certain portion of women in the caste, cannot exceed, so far as the consumers of country spirits is concerned, a million and-a-half out of a population of 70 millions. As for temperance fanatics, we have in the report:—'In obedience to orders, I have forbidden the continuance of the liquor shops within half-a-mile of the Hooghly Railway Station, because the *railway authorities* objected to it.' But it is added:—'I did not recommend the measure.'

"Then there were certain other recommendations of the Excise Commission regarding the hours at which shops are to remain open, the strict prohibition regarding the supply of liquor to any person under 12 years of age, with reference to which no light is thrown by the reports. It is to be hoped that at least these salutary restrictions are being enforced.

"What have we got. Simultaneously with the withdrawal of the restrictions and limitations recommended by the Excise Commission and partially adopted, an expansion of the excise revenue thus:—

1890-91	...	One hundred and four lakhs and-a-half (104½ lakhs).
1891-92	...	Ditto and eleven lakhs and a quarter (111¼ lakhs).
1892-93	...	Ditto and about sixteen lakhs (115,92,467).
1893-94	...	Ditto and twenty-one lakhs and a quarter.
1894-95	...	Ditto and twenty-five lakhs and-a-half (125½ lakhs).

and the contribution from the country spirits has been—

1890-91	...	...	...	45¼ lakhs.
1891-92	...	...	...	48 „
1892-93	...	...	...	50¼ „
1893-94	...	...	...	52½ „
1894-95	...	...	...	55½ „

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and of this the contributions from outstills have been—

1890-91	...	...	...	21 lakhs.
1891-92	...	...	...	.....
1892-93	...	...	...	26¼ lakhs.
1893-94	...	...	...	28 „
1894-95	...	...	...	30 „ (29,92 thousands)

"There, again, has been an absolute increase of consumption, as the following figures will show. Average of consumption in gallons of London-proof outstill spirits:—

From 1888-93	...	...	...	981,407 L.P.
In 1894-95	...	...	...	1,308,523 „
Increase	...	...	...	327,036 „

Distillery—

From 1888-93	...	...	...	404,892 L.P.
In 1894-95	...	...	...	455,595 „
Increase	...	...	...	50,703 „

"These figures also show that while the increase in distillery spirits, notwithstanding the reduction of fixed duty, the distillery fees and license fees have been at the rate of 1 to 9; the increase in the consumption of outstill spirits is at the rate of 1 to 4.

"Another source of our revenue which is receiving an extraordinary development, is the revenue on stamps. From the average of three years ending in 1890, Rs. 137 lakhs, it had risen to 147 lakhs on the average of the three years ending in 1893, and in the following year, 1893-94, it had risen to 160 lakhs. The present figure is 167 lakhs. The greatest part of this revenue is contributed under the Court Fees Act, not, as is ordinarily supposed, by our well-to-do people, who can afford for the luxury of litigation, but by the poorer classes of our community, who cannot do so. In 1894, when the total number of suits exceeded the number of suits instituted in 1890 by 22·3 per cent. out of a total number of 558,593 suits, 235 thousands were suits between landlords and tenants, and 210 thousands were suits for money of a Small Cause Court nature. A considerable portion of the remainder—title and other suits—must also have been those in which our poor men were interested. More than half of these are shown from the figures to have been raiyats, and outside Calcutta (figures which I have taken from the report of the

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administration of Civil Justice, Head 11, refer to the mufassal only), those of our poor people who go to law, or are forced to law, are almost all agriculturists. The interest of the poor and agricultural portion of our community, whom the costliness of litigation is impoverishing, demands that the extraordinary expansion of our stamp revenues for the administration of Civil Justice should receive a check. Out of the number of 574,225 suits instituted in 1894, 199,625 were withdrawn, compromised or confessed, 254,334 were decreed *ex-parte*, and only 120,167 were contested; but the court-fees were paid and were retained by Government, as in hardly contested suits. Again, in petty suits court-fees on plaints form the smallest portion of our stamp-fees realised in courts, for out of the total court-fees revenue realised in our mufassal courts, 87 lakhs, the process-fees in suits amounted to 22 lakhs, and the process-fees in suits, whether of small or large value, are the same. This figure represents the process-fees of the Civil Courts alone. I have not by me the figure of the process-fees realised in the Revenue Courts and offices, but I was told the other day it was 4 lakhs. So out of the revenue of one hundred and odd lakhs realised under the Court Fees Act, more than a fourth part is realised as process-fees, the rates of which are not fixed by any of the Legislative bodies in this country, but by circular orders. Out of the process-fees realised in the Civil Courts, only about 7 lakhs and 31 thousands were spent on process-servers, and the net profit to Government amounted to 14 lakhs and-a-half. In this at least, if not elsewhere, relief ought to be granted; but the net profit out of a stamp revenue realised in our Civil Courts of 87 lakhs, after paying 41 lakhs for all charges, amount to 46 lakhs, and this makes out a clear case for relief, by way of refund at least, in suits below Rs. 500 in which the poor and agricultural people are concerned, of half, if not the whole, of court-fees, in cases compromised, in cases in which judgments are confessed, and in cases which are decided *ex-parte*. Furthermore, there is a tendency to multiply petition-fees, which ought to be checked. The largest number of stamps sold is of 8 annas. I find their number from the last of the triennial reports on stamp revenue to have been of the value of 22½ lakhs, and they have doubtless risen by some lakhs now. These are, for the most part, used for petitions. But it will perhaps be said that the fullest relief is in the hands of the people themselves. They need not resort to our law courts. This may be said of excise duties as well. Only there is this difference;

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in the case of excise the payment of the duty rests entirely on the will of the man himself, but in the case of litigation it rests not only on the will of the man himself, but of an enemy as well. Probably the mass of contentious and non-contentious cases was about equal now and before, barring, of course, developments arising out of a more complex state of society we are day by day stepping in, and further developments arising out of some recent acts of our legislatures; only many of these contentions in India used to be settled before by our village Panchayets. So far as Bengal is concerned, these Panchayets are, as an institution of the country dead, and in Bihar, too, they are dying, if not for active hostility, but for want of support. Revive them, and never let any money-suit or rent-suit below a certain amount, say Rs. 50, to come into our courts, unless the panchayets certify that they cannot decide them; but if the voice of our revived panchayet is again to be the voice of God, as it was deemed of old by our people to be, our panchayets must dispense justice, without the institution fees, the process-fees, and the petition fees, as they did of old.

"Looking to the Expenditure side of this budget, it is clear that there has been a too great contraction on some of the useful items. I take the item of Education. Here, again, there was a Commission composed of a body of experts, official and non-official, sitting for a considerable portion of a year, to discuss the various problems and to examine the question in detail. The Bengal Provincial Committee reported (paragraph 460, page 165):—

'We cannot close this report without adding to the recommendations therein put forward an expression of our deliberate opinion that, quite independently of any efforts which the people may hereafter make for the promotion of education in various directions, increased expenditure on the part of Government is necessary, if education is to progress at a rate corresponding to the *advancing requirements of the country.* For the spread and improvement of primary education; for a due increase in the machinery of inspection; for an enhanced provision for scholarships to enable boys to advance to higher stages of instruction; for a far wider spread of university education; for a more liberal scale of grants-in-aid, and for the promotion of education among girls (they might have added, for the opening of technical schools, which they had elsewhere recommended), for all these objects more liberal assignments are urgently demanded, if the requirements of the time are to be met, and if a comparison with European standards is to be justified. The amount of any further grants that may be made by Government for the promotion of these objects depends of course upon financial and political considerations, with which we have no concern; we have merely to express our opinion as to the

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need that seems to us to exist for an increased educational allotment * * *. We have no means of knowing what proportion of the State revenue is devoted to education of different classes in European countries and in America, but we have grounds for believing that the educational allotments in these countries are framed on a far more liberal scale than in Bengal. And we cannot refrain from expressing an earnest hope that means may be found, either from Provincial revenues or from additional Imperial assignments, for meeting, in a more adequate manner, the necessities of this Province.'

"This recommendation for increase was made in the year 1884-85, when the Education Commission was sitting, and when the allotment from Provincial revenues for education was Rs. 34,07,000. Sir A. W. Croft was appointed two years after, *i.e.*, in 1886, to write a Review of education in India with special reference to the report of the Education Commission. In his Review, page 212, he says :—

'In September, 1884, the Government of Bengal, in reporting to the Government of India upon the proposals of the Education Commission, admitted its responsibility for increased expenditure on education to the amount, finally, of Rs. 14 lakhs a year, if the recommendations of the Commission were to be carried out in anything like completeness. Of the total increase, 10 lakhs were to be devoted to the direct improvement of primary schools. After a review of the ways and means at his disposal, the Lieutenant-Governor estimated that at the then existing rate of development of the revenue, he would be able to work up to the total additional grant required in nine years by a continuous enhancement of the educational allotment to the amount approximately of Rs. 1,50,000 a year. The progress of events quickly falsified the anticipation of this letter. Urgent orders came from the Government of India to reduce expenditure, and education suffered along with other services. The allotment for education in the sanctioned estimates for 1885-86 was reduced to Rs. 33,07,000, or by exactly one lakh of rupees, and the actual expenditure of the year fell short of this by Rs. 22,000 as the result of repeated exhortations to further economy.'

"This was in 1886. Since then the budgetted allotment on education has fallen off considerably, and though under the Provincial Contract of 1887-88, the contract assignment for expenditure on education was Rs. 32,46,000, the net allotment *minus* receipts has never been more than 20 lakhs, except during the present year, when it is a little over 21 lakhs, and even if full credit be taken for the assignment of proceeds of the Cattle Trespass Act and Ferries Act to the District Boards, and expenditure by these Boards on education, the allotment falls short by a few lakhs of the allotment of 34 lakhs of the year 1884-85, when the Education Commission recommended an increase on the allotted grant.

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"In the matter of charges in respect of collection, there was another Commission appointed in 1885, called the Salaries Commission. The Resolution appointing the Commission states:—

'Besides the question of the strength and occupation of ministerial establishments, the question of salaries has also to be considered. The question was considered in 1866 and 1867 by a Committee of which Mr. V. H. Schalch was President, and a new scale of salaries was brought into effect in 1868. Since that time, although there have been numerous alterations and improvements of a more or less restricted character, and although the pay of a very many individual officers had been increased, there has been no general or systematic revision of salaries. Meanwhile the rise in prices and in the cost of living, which was anticipated by Mr. Strachey in 1865, has continued at constantly accelerating speed, and for some time past signs have been apparent that the effects of the reforms introduced in 1868 have been exhausted, and that a further advance must be made if the ministerial service is to be maintained in a condition of efficiency.'

"The Commission, after a very thorough investigation, recommended an increase of salary of the ministerial officers in the revenue offices of about Rs. 30,000 a year, as also the reduction of establishment in some cases. If the reductions were not to come into effect, possibly the increase would have added to it a few thousands more. They based their recommendation on the fact that since 1868, the year in which the salaries have been fixed, the purchasing power of the rupee has been diminished by 75 per cent. In their report, page 208, they wrote:—'The homely proverb of cutting one's coat according to one's cloth might, with justice, be applied to them (ministerial officers and clerks), and they might be told that the number of young men, qualified by education for the public services, is now so great that Government would have no difficulty in obtaining any number of clerks at even lower salaries than are now paid * * * All this might undoubtedly be urged, but there are, we think, strong reasons why it would hardly be either *wise* or *generous* to press such an argument against the class of men we are dealing with. It would not be *wise*, because men encumbered with debt, distressed and discontented, cannot be expected to make efficient public servants. They may be led to eke out their scanty salaries by *dishonest means* and *underhand practices* * * *'.

"While it is not wise, therefore, to press the argument above suggested, it is not also *generous*. In a very great majority of cases, these men cannot help themselves * * . When even the more independent inhabitants of

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civilised countries of Europe, are unable to resist the pressure of public opinion and the temptation to 'keep up appearances,' how can we expect the Hindu to do so, bound, as he is, by the strict rules of a religion, which lays down laws for every action of life, and subject, as he is, to the restraints of a social system of extreme rigidity.

"Paragraph 202, page 209, end:—

'It now remains for us to determine the scale of salaries in the light of the foregoing remarks. Finding, as we do, that the cost of living may fairly be taken to have risen, in the aggregate, to 75 per cent. as compared with 1867, when the present scale of salaries was fixed, and that there are unmistakeable indication on all sides of a tendency upwards, we consider it desirable, not only in the interest of the officers concerned, but also in the *interests of the service and of the public at large*, that the scale should be raised as much in reference to the present and prospective rise in the cost of living as the state of the finances may permit, though an increase to the full extent of 75 per cent. would be more than could possibly be conceded by Government.'

"The Government of Bengal held that, 'while on the whole, the cost of living has risen, it cannot accept the Commission's estimate of the extent to which this has been the case. That the Lieutenant-Governor entertains the belief that in the classes from which *amlas* are taken, as in most other classes of the community, the standard of comfort has, in recent years, risen, and will continue to rise in the future; but the question whether it is so or not, is not, in his judgment, one which it is necessary for Government in the present connection to consider. From the innumerable applications which come upon the Government for employment in the Public Service in all its grades and departments, there can be little doubt that the supply of well-qualified and educated men far exceeds the appointments which are at the disposal of Government. So long as the salaries offered suffice to secure the services of competent men, and do not fall conspicuously below the emoluments which similarly qualified men can secure elsewhere, the presumption must, he thinks, be that the present scale of pay is sufficiently high.' This was in April, 1887, when the Provincial allotment of public revenues was re-adjusted, and when there were repeated exhortations to further economy; but the doctrine of supply and demand herein propounded has since been in similar matters, notwithstanding financial pressure, been overruled by the highest authority, and it is nothing but just that, in the interest of these ministerial officers

concerned, as also in the interest of service and of the public at large, the recommendation of the Salaries Commission should now be adopted.

"Under the head Law and Justice and General Administration, a salutary change—the separation of the judicial and executive services—is admitted to be very desirable on all hands, but it is said that it cannot be effected because of increased expenditure which it involves. The expenditure is, I believe, the addition of a few Deputy Magistrates for some of the outlying subdivisions, and when there is a clear profit of 46 lakhs from the administration of civil justice and even of a few lakhs after all charges met for civil and criminal administration, there does not appear to be any reason why this desirable reform should not be at once introduced.

"Then, whatever the figures we have just heard may mean, I know from what I see that the Munsifs work from morning to evening, and sometimes later. They have no time for taking exercise, and some of them prematurely die of diabetes. They are a very hard worked class of officials. Here is relief needed: their number ought to be increased.

"*Public Works, Buildings and Roads.*—During the quinquennial period ending in 1886-87, the average expenditure in a year on buildings and roads was 42½ lakhs; during the next quinquennial period ending in 1891-92, the average came down to 35½ lakhs, and in 1892-93 it was 29 lakhs, and in 1893-94 it came down to about 27 lakhs. Under the Local Self-Government Act, a portion of the charge on Education, on Medical and Public Works has been thrown on the District Boards; and the District Boards get the receipts on Cattle Trespass Act and the Ferries. The amount of receipts under these heads (Cattle Trespass 430 thousands and Ferries 394 thousands) is 8¼ lakhs. The expenditure is, of course, much more: and equilibrium is sought to be produced by contributions from the Provincial revenues, but these contributions *plus* the expenditure now directly incurred from the Provincial revenues, falls very short of the allotment from the Provincial revenues that used to be made in the quinquennial period ending in 1886-87.

"But if the growth of our revenue in excise, of which we share a fourth, and in stamps, of which we share three-fourths, is to be checked, and the expenditure on education, collections, general administration, law and justice, and public works, is to be increased, how are we to get on? Is it by imposing fresh taxes or in some other way? I submit, Sir, taxation has reached its maximum limit,

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and it is simply impossible that fresh taxes could be raised. Bengal pays, I quote from Appropriation Statement, 1893-94:—

				Rs.
Land Revenue	...	...	...	3,87,14,000
Salt	...	...	...	2,37,41,000
Stamps	...	...	...	1,59,77,000
Excise	...	...	...	1,21,18,000
Provincial Rates	...	...	...	87,82,000
Customs	...		...	54,09,000
Assessed Taxes	...	...	...	43,30,000
Forest	...	...	...	8,02,000
Registration	...	...	...	13,89,000
		Total	...	11,12,92,000

"This amounts to Re. 1-10 per head of population on the principal heads of our revenue, even if the revenue derived from the opium monopoly, most of which ought to be placed to the credit of Bengal, and what is known as the commercial heads of our revenue, were to be taken out of the accounts. In addition, Bengal pays certain other local taxes, the chaukidari, the zamindari dâk cess, the embankment cess, and the municipal rates and taxes which are not shown in the above account, and even if the average income per head of population was to be taken according to best economists and financiers to be Rs. 27 per head of population, it scarcely leaves enough for diet at a rate at which our prisoners receive their diet at our jails.

"Where, then, is the remedy for this state of things? It lies in a region which I am forbidden to tread.

"Out of eleven crores and thirteen lakhs of revenues, the Provincial revenue, taking these heads only, amounted to, in the same year 1893-94, to 3 crores, 16 lakhs, or a little over a fourth, and including all receipts under heads of expenditure with which the Provincial Government is charged, as also some of the commercial heads, such as Irrigation and Railways, for which, on the whole, the expenditure and receipts are about equal, we get Rs. 4,55,35,415 (*i.e.*, a little over a third) for all the requirements of Government, excepting army protection, interest on public debts, of which, however, a full sixteenth is now charged on the Bengal Provincial revenues (26 lakhs out of Rs. 4,06,59,000), and superior control here and in England.

[*Babu Guru Proshad Sen ; Babu Surendranath Banerjee.*]

"Again, Sir, we expand, but we do not get the benefit of such expansion. We sow, but we do not reap. At the end of the last Quinquennial Settlement of Provincial Revenues, the revenue on the principal heads had come to 334 lakhs, at the re-settlement it was reduced in 1892-93 to 3 crores and 16 lakhs."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"While fully accepting the view put forward by my hon'ble friend that our debates in this Council are somewhat academic in their character, I do not go so far as to hold that they are devoid of interest and infructuous as to their result. The speeches made in this Council are published in the newspapers—they influence public opinion, and in the long run they influence the action of the Government. I hope the day is not far distant when there shall be a further expansion of the privileges which have been bestowed upon this Council; but, in the meantime, we must strive to do the best with what rights we possess, and, by a judicious exercise of them, prepare the way for their expansion. I feel I would not be doing justice to my position in this Council if I did not exercise the right which has been conceded to us.

"I must first take the opportunity of congratulating the Hon'ble the Financial Secretary on the clear and lucid statement which he has submitted to the Council. It is a budget which anyone who runs may read. Clearness and perspicacity are its most distinguishing features, and it is accompanied by a clear and able Explanatory Note, which gives valuable details. With reference to the number of questions which have been put in connection with the budget, I may explain that they are due to the fact that the budget does not give the details to which those questions refer. In this respect there is an important difference between the Bombay and the Bengal budgets, and I am bound to say that the difference is entirely in favour of the Bombay budget, which gives the major and the minor heads as well as sub-heads under them. For instance, under the head of Law and Justice, the Bombay budget gives the details of expenditure of the High Court, the Presidency Small Cause Court, the Presidency Magistrate's Court, and also the details of expenditure under the head of Civil and Criminal Justice in the Province. I am happy to say that so far as the expenditure under Law and Justice is concerned, some details are given, and there are other items in regard to which details are also given, and I can only express the hope that such details will be enlarged upon in future years, and if they are given, there will be less necessity for putting

[*Babu Surendranath Banerjee.*]

questions, such as I have asked to-day. If we have the details, it will not be necessary to ask questions, but inasmuch as we have not the details which are given in other Provincial budgets as well as in the Imperial budget, it is necessary for us to call for further information.

"A great deal has been said about the inelastic character of our revenues. I will not enter into a discussion of that question, but this I will assert that, so far as the Bengal revenues are concerned, they show a steady tendency to grow and expand. I ask the Council to consider the figures from 1894-95 to 1896-97 as they are given in this Budget. In 1894-95 the entire revenue of the Province (I speak in round numbers) amounted to 447 lakhs; the revised estimates for 1895-96 put it at 499 lakhs. The year 1895-96, as has been observed by my hon'ble friend, Babu Guru Proshad Sen, was undoubtedly a year of unusual financial prosperity. We received back three lakhs from the Government of India which we had advanced in 1894-95; the progress in the jute trade alone yielded a larger balance than before, and these, taken with other items of income, tended to make the year a year of unusual financial prosperity. Nevertheless, there is the fact that the estimated revenue for 1896-97 shows an improvement upon the figures for 1895-96. It has more than maintained the figures for 1895-96: the 499 lakhs of that year have gone up to 502 lakhs in 1896-97. All this is exceedingly satisfactory. Finance is said to be the weak point of most Governments. It certainly is the strong point of the Bengal Government. And it were much to be wished that other Governments exhibited the same financial prosperity.

"Our expenditure has kept pace with the increasing demands of a progressive community. The expenditure under the revised estimates of 1895-96 is 20 lakhs in excess of the previous year, and the expenditure estimated for 1896-97 is 23 lakhs in excess of 1895-96. One important part of the expenditure is the charge for Civil Public Works: 14 lakhs are proposed to be spent under this head. The Hon'ble the Financial Secretary, in adverting to this large expenditure of 14 lakhs, observed that it was an index of the efficiency of many important branches of the public service. That is his explanation of the matter, but some people take a different view of it. They say it is an index of something very different, viz., that we are in the last year of the quinquennium governed by the Provincial Contract, and that unless we make haste to dispose of our balances, the Imperial Government will make haste to appropriate

them. This is a matter to which Your Honour was pleased to refer in very felicitous terms in your speech in the Imperial Legislative Council. Looking at the Provincial Contract—and it should be remembered that the present contract closes with this year,—I find that there are items in that contract in respect of which only a portion of the revenue and only a portion of the expenditure are under the control of the Local Government."

The Hon'ble THE PRESIDENT said:—"These are facts relating to Imperial finance, and you should keep clear of such subjects. It is not open to this Council to discuss them."

The Hon'ble BABU SURENDRANATH BANERJEE continued:—"I shall only express the hope—I may say that I am confident—that when the Provincial Contract is revised, the Government of Bengal will do its best to secure as large a revenue as is necessary to meet the growing needs of an important and progressive Province like ours.

"Reference has been made to the expenditure upon education. I need hardly say that personally I take a deep interest in all matters relating to education. I will not enter into matters of ancient history, but I rejoice to find that the budget for 1896-97 provides for an expenditure of Rs. 1,60,000 over the normal expenditure of previous years. This expenditure includes all branches of education, high and primary and technical. They are really interdependent upon each other. High education benefits the whole community: primary education benefits those whom it does not concern. I can only express the hope that Divisional Commissioners will imitate the liberal policy of your Honour's Government in this matter, for there is a disposition on the part of some Divisional Commissioners ruthlessly to cut down grants made by municipalities to municipal schools out of municipal funds, because, forsooth, a little of English is taught in such schools. I think that in these matters the municipal authorities are the best judges. They know best what is best for the people, and they ought to be the judges of such matters, subject of course to that general supervision which the executive authorities ought to exercise over the budget.

"Looking at the figures, one would come to the conclusion that the condition of the people is one of universal prosperity, and, generally speaking, one may say

[*Babu Surendranath Banerjee.*]

that the financial condition of the Government is a reflex of the condition of the people themselves. But he would be a bold man who, looking around, would conclude that the people of Bengal are, at the present moment, happy and prosperous. There is a great drought, attended with a terrible visitation of cholera, which is decimating the people. At Ooterpara, at Bally, at Serampore, there is a very great scarcity of water, accompanied by a severe visitation of cholera; deaths by hundreds occur every week; the tanks are dry; there is no water in the tanks; what water there is is diluted sewage, and the very touch of that water brings disease and death. And is it possible to hold, having regard to this state of things, that the people are prosperous and happy? Formerly many rich men used to dig tanks for the benefit of the people. The excavation of tanks is a pious duty enjoined by the mandates of religion, but the Government interfered by the imposition of the road-cess, and took that duty out of the hands of charitably disposed individuals. The district authorities do little, and our rich men hold aloof; so that this water famine is the result of the policy of the last twenty years; rich men consider themselves as being absolved from obligations of this kind. They will not consent to pay twice—first as taxes, then as charity, and the local authorities do not supply the want. The gratitude of the people of Bengal will be expressed in unmistakable terms for the prompt action which your Honour's Government has taken. A grant of Rs. 5,000 by each District Board for purposes of water-supply will not be enough, but Your Honour has called the attention of District Boards to the necessity for urgent action in this matter. It is, moreover, stated in the Circular to the Divisional Commissioners that you are prepared to make advances under the Agricultural Loans Act to bodies of villagers for excavating tanks. All this is as it should be, and I can only hope that the zeal and kindly interest which stimulates the head of the Government will inspire the subordinate officials, and that they will realise the necessity of watchful attention to this matter.

"Something has been said on the subject of Law and Justice. My hon'ble friend has repeated the complaint which I have more than once uttered from my place in Council. Under 'Law and Justice' the expenditure is Rs. 89,81,000, the revenue is Rs. 8,80,000.

"This deficit of 80 lakhs is met from Provincial Revenues. The item on the receipt side, from which it ought to come, is undoubtedly the stamp revenue,

which gives an income of Rs. 125 lakhs. Here we have an available balance of 40 lakhs, part of which, at any rate, should be devoted to the improvement of the Courts of Law. I have put a question and received an answer on this point, but I will not enter into the figures. Figures are capable of many interpretations. They do not often bear conclusive evidence with reference to the actual state of things, but there is the broad fact that, if a person institutes a suit before a Munsif to-day, he will get a judgment possibly—and he is lucky if he gets it then—this day year. Such inordinate delays demoralise the administration of justice. A suitor brings a case; then come the postponements from week to week, from month to month, which are attended not only with serious inconvenience, but with positive danger to the interests of justice. And why do these delays occur? Simply because you have not a sufficient number of Munsifs; and therefore I do hope that the Chief Secretary will reconsider the matter in the light of this well-known fact which, independently of all figures, is established by the universal testimony of all who have anything to do with the Law Courts.

"Once more I desire to call t he attention of your Honour's Government to the question of house accommodation for Munsifs. Mr. Beighton, who was then the Officiating Legal Remembrancer, said last year, from his place in Council :—

'The question of supplying houses for Munsifs is one for the consideration of Government, and its complete solution in any satisfactory way must necessarily involve a large outlay. Nevertheless I should be very glad if the Council were to hear to-day from His Honour that Government were prepared by way of a commencement to meet this grievance to build houses in some selected subdivisions where the greatest difficulty is felt, and allow Munsifs to occupy them on reasonable terms.'

"I will quote the words of Sir Charles Elliott, who said:—

'Next, with reference to Munsifs and the supplying of suitable accommodation for them, with regard to which an appeal has been made which in no degree exceeds my own views as to the hardships which Munsifs in many parts of the country have to suffer. I wish to mention that we are at present engaged in correspondence with the High Court on the subject.'

"I shall be glad if the Hon'ble Mr. Risley is able to tell us what the result of that correspondence has been—if he can give us an assurance that within a measurable distance of time our Munsifs will be housed in better quarters than what they are able to obtain now.

[*Babu Surendranath Banerjee; Mr. Bose.*]

"I desire, once again, to renew my appeal on behalf of the menial and ministerial servants of the Government. It seems to me—and I say it with great emphasis—that it is inexpedient and inequitable that highly-paid officers of the Government should continue to draw Exchange Compensation Allowance, and that the lowly-paid servants of the Government should be left to eke out a miserable pittance by practices which will not bear the test of scrutiny. Their pay was fixed in the early sixties. My hon'ble friend has referred to the labours of the Salaries Commission on which my distinguished friend, Rai Durga Gati Banerjea Bahadur sat as a member. They recommended that at least 75 per cent. increase of salary should be given to the ministerial officers of the Government, but the Government was not able to accept that recommendation. But I hope and trust that something will be done in this direction. I understand, from a statement in the *Pioneer*, that something at any rate has been proposed, and I hope the Hon'ble the Financial Secretary will be able to confirm that statement. I know it is a difficult question, inasmuch as it is a financial question; but surely the statesmanship which belongs to the Government of Bengal, and which is able to cope successfully with the complicated affairs of the most advanced Province in the Indian Empire, will be able to overcome whatever difficulties beset the solution of this question and do justice to the claims of the humblest class of Government servants."

The Hon'ble Mr. A. M. Bose said:—"I wish to add my congratulations to the Hon'ble the Financial Secretary to the Government for the very successful budget he has been able to produce. I trust the tide of prosperity which has set in, and which seems to have converted an anticipated deficit of Rs. 1,11,000 into a surplus of Rs. 12,29,000, will continue to flow, and that under Your Honour's rule the great administrative and domestic reforms which are required for the growing needs of this important Province will be carried out.

"I had also intended to say a few words with regard to the terrible scarcity of water under which the Province is now suffering; but after what has already been said, it is not necessary for me to take up the time of the Council, except to join my voice in the expression of gratitude to the Government for the readiness and promptitude with which it has attempted to

grapple with the evil. I fervently hope the fearful sufferings of the people will meet with some mitigation as the result of those efforts, and that the interest which Your Honour has shown in this matter will extend with contagious effect, that the District Boards will do their duty, and that measures will be taken which will in future make a repetition of the present difficulties almost a matter of impossibility.

"After what has been said by the Hon'ble Members who have preceded me, I shall perhaps best discharge my duty within the limited time I can take up by confining my observations to one important subject. Having the honour, however unworthily, to be the representative in this Council of the Calcutta University, I trust I may be permitted to draw attention to some educational matters, and to make a few observations with regard to the educational grants in the budget. The adoption of this course will have, I believe, at least the recommendation of novelty in its favour. My first duty is to thank the Government for the increase of Rs. 1,61,000 in the total grant for Education, and I trust this increase is an indication of its earnest desire to follow the recommendations that the Education Commission arrived at, and this increase is all the more welcome, because it follows a policy of continual decrease which had been adopted for some years.

"Let me read just one passage from the Report of the Director of Public Instruction. Speaking of the year 1894-95, he says (*vide* page 4 of his Report for that year):—

'The expenditure from Provincial Revenues decreased by Rs. 56,893, after a similar decrease of Rs. 54,728 in the previous year.'

"This increase in the grant, therefore, is a distinct and welcome reversal of policy rendered feasible by the present financial prosperity. I venture to make this observation also that there is hardly any expenditure which is more reproductive or more remunerative than that which is spent on the educational wants of a Province like this. It is repaid a hundred-fold in the intellectual, moral, and material advancement of the people, and lays a lasting basis for a nation's progress and prosperity.

"I am glad to find that an attempt is going to be made to provide for the opening of an agricultural class in connection with the Sibpur Engineering College. At this present moment the Presidencies of Madras and Bombay

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have their agricultural colleges. Agricultural teaching, one is happy to find, is recognised by the Bombay University by the grant of diplomas for agriculture, and is carried on in connection with the Poona College of Science; but in Bengal there is no such provision. And the extent to which agricultural instruction is appreciated in Madras is apparent from the fact that, from the last published report of the Saidapet College, it appears that about 30 per cent. of its students are from outside the territories subject to the Government of Madras. I hope that such information will be placed before the Council as will give some indication of the proposals to which it is now intended to give effect by means of the provision in the budget. I understand that there have been various proposals in regard to this matter, and different estimates have been placed before the Government; but I venture to make an appeal that, having regard to the importance of the matter, final orders will not be passed before the public have an opportunity of making suggestions as regards the scope and character of the instruction to be given on the subject of agriculture. We shall await with great interest the publication of these proposals; but in the meantime I hope I may be permitted to make one remark in this connection. I believe one proposal, which has been laid by a high authority before the Government, is to confine agricultural instruction to those students of the Sibpur College who have, after a three years' course of study, passed their first examination in Engineering. I do not know—possibly we shall be enlightened before the debate this afternoon is over—whether this is the idea to which it is intended to give effect in connection with the proposed agricultural class. But I hope it will not be so. I trust that the agricultural class at Sibpur will rest upon a broader basis than this; and that, as at Saidapet and at Poona, anyone who has passed the Matriculation Examination of the University will be admitted to the proposed Agricultural class, and that even those who have not passed the Matriculation Examination, but who command a fair knowledge of the English language, will be allowed to receive instruction at the class. Many young men belonging to the large land-holding class of this Province might find it an advantage to join it, not with a view to service, but to benefit their own properties; and it would be a decided advantage to the country if these men afterwards opened farms or introduced new crops or improved methods of agriculture in their own estates. It would also be worth considering whether it might not be possible to attach a vernacular class, both theoretical and practical,

which sons of raiyats might be encouraged to attend by means of small scholarships after they had passed the primary or the middle vernacular standards.

"Then I am glad to see that a provision of Rs. 20,000 has been made in the budget for the training of teachers; and, with regard to this also, I venture to hope that before any final scheme is adopted, the public will be taken into confidence, and that any representations which may be made by the public or by different representative associations will be carefully considered, and that some place will be found in it for the introduction of the kindergarten system of instruction for little children. It is remarkable how this system has made progress in different countries, and yet it is a matter for regret that in this Province provision for that system of instruction for Indian children has not yet been made. Provision for instruction in that system might be introduced—say in the Bethune College—if funds for that purpose were placed in the hands of the Committee, and in connection with the training of teachers for primary schools. I hope that there will be available the services of one trained in the theory and art of teaching, in order to make the proposed training schools a real success. The theory and art of teaching have been studied, and been carried to very great perfection in Europe—to a degree absolutely unknown in this country—and unless, at any rate at the beginning, some persons trained in the system are imported from Europe, it will be difficult to give the scheme of training teachers on which money is to be spent that start which will lead to the achievement of success, and to the realization of the hopes that are now built on it. I hope I may be excused for referring for a moment to my personal experience in the matter. While visiting not long ago a school in Germany, I attended a class in which lessons in Geography were being given, and I was surprised at the interest which the children took in the lessons, and the altogether novel and delightful way in which these were being taught —a system which is in entire opposition to the unfortunate system under which we have hitherto laboured in this country, and which still flourishes here. It is hardly necessary to say that it is only those who are thoroughly trained and experienced in the latest methods and theories of teaching who can train others to teach; and these latter will then in time be the means of spreading a knowledge of the system broadcast over the land.

"The next point to which I wish to refer is in connection with the system of grants-in-aid to Girls' schools, and I shall venture to plead for more liberal

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help to these institutions, specially to those furthering the cause of higher education, and also to express the hope that the larger provision made under the head of grants-in-aid in the budget (of which no details of any kind are given) will be so worked as to include a much larger allotment than is the case at present for helping schools for girls. The report of the Director of Public Instruction says that while 27·9 per cent. of the boys of school-going age attend schools, there are only 2 per cent. of the girls at school—and that is not all. While boys are attending Secondary and Collegiate institutions, in the case of girls the great majority of them do not go beyond the primary standard. And in connection with the subject of grants for female education, I shall draw the attention of the Council to the observations of the Bengal Provincial Committee of the Education Commission. At page 154 of their Report they say:—

'In order to promote the establishment of female schools aid should be given to them on a more liberal scale corresponding in some measure to the expenses that would be incurred in the establishment of similar Government schools. For example, the rate of aid might be twice the amount of local contributions.'

"It may be added that schooling fees in the case of aided schools are reckoned as local contributions (*vide* page 31 of the same Report). That would make the grant two-thirds of the whole expenditure for Girls' schools. The Government of India, which reviewed this matter, and the Education Commission itself, somewhat modify the limit as regards these grants. This is the recommendation of the Education Commission:—

'That the amount of State aid, exclusive of scholarships from public funds, do not exceed one-half of the entire expenditure on an institution. That, as a general rule, this maximum rate of aid be given to Girls' schools, primary schools, and normal schools.'

"The Governor General in Council approved of this recommendation, and expressed his satisfaction that these principles were generally accepted by the Local Governments (see paragraphs 31 and 32 of the Government Resolution on the work of the Education Commission). It will thus be seen that the Education Commission, the Government of India, and the Local Governments all accept the principle that, as a general rule, grant to Girls' schools should be one-half the total expenditure on those schools. But how has this principle been practically given effect to? The figures will speak for themselves.

"Turning to the latest report from the Director of Public Instruction, we find that the total expenditure from public funds in Girls' schools, *including* Government schools, is Rs. 1,46,000 and odd, and from private funds Rs. 2,58,000 and odd; therefore, instead of the public contribution equalling, it is about one-half of what is subscribed from private funds.

"This shows that the liberal spirit in which the recommendations were made, and which were entirely accepted by the Government of India and the Local Government, still remains to be given effect to. I hope that by the further allotment for which provision has been made in the budget, and in other ways, the encouragement which these institutions so greatly need and deserve will be fully afforded to them.

"With regard to Muhammadan education I express my very sincere gratification—and I am confident I express the feelings of every Member of this Council—at the progress in all directions which that education is making, and, I trust, the rate of that progress will every year be still further accelerated. The progress of the country can never be what it ought to be until our Muhammadan fellow-citizens attain educationally the same position that their Hindu brethren have done, and I am sure that this advance shows that their own high and undoubted intellectual capacity, aided by the liberal policy which has found favour with the Government, will soon enable them to attain the position which they so eminently deserve.

"I have, however, one remark to make on this subject, and that is with regard to the education of Muhammadan girls. From applications which have been made to the Bethune College and from other indications, it seems there is a demand in certain quarters among the Muhammadan community for provision being made for the education of their girls. Should that desire manifest itself in an appreciable form, I would appeal to the Government to help most liberally in the attainment of that object, not only because the movement is for the education of Muhammadan girls, but also because for certain reasons the only Government institution of the kind in Calcutta—the Bethune School—is not open to girls of that community.

"I would wish to make a few remarks with regard to another matter, which, I trust, will not lead me to trench on ground unfamiliar to any of the Members of this Council. I propose to make an appeal to your Honour's Government for some help to allow M. Guion's or the 'series' method of instruction for

[*Mr. Bose.*]

acquiring foreign languages to be introduced and tried in this country with regard to English. It is not necessary to say a word as regards the importance of acquiring a knowledge of the English language for the people of this country, not only because it unlocks to them the rich treasure-house of Western knowledge, but also for other and what might be deemed more practical reasons; and if there is a method, as has been alleged, by which the language may be acquired in a short time, it is certainly advisable to try it. It is claimed for that system, and testified to after trial by many competent authorities, that by means of it knowledge of a foreign language for all ordinary colloquial purposes can be attained in twelve months by a daily study of an hour or two. I would appeal to the Government to allow it to be tried in this country. I may refer to a passage or two on the point. It is wonderful how in the course of less than four years that system has spread itself, and its success has been recognised in various countries. [The Hon'ble THE PRESIDENT said:—"Is not this rather wandering from the subject of the budget?"] I was endeavouring to induce the Government to devote a certain portion of the allotment for education for the introduction of this new system of teaching. It is entirely within the scope of the powers of the Local Government to distribute the allotment as it thinks best, or to add to the educational grant. If Your Honour thinks that under these circumstances [The Hon'ble THE PRESIDENT said:—"I would not go too much into detail about it. The time of the Council is limited, though of course I shall be much interested in receiving information regarding it."] I shall be very glad to avail myself of that kind permission. I will only add for the information of the Council that by once for all spending a sum of about Rs. 6,000, it would be possible to have a teacher brought out for one year, who would be able in that time to train many teachers in the system, besides giving instruction to Indian students.

"The next matter with regard to which I want to say a few words is the position of many Indian educational officers. It is not competent to me to refer to the position of those who are under what is known as the two-thirds scale; but I trust I may be allowed to refer to the cases of those officers who have received a high training and attained distinguished success at Oxford or Cambridge, at London or Edinburgh, and who have been receiving for years a salary of only Rs. 250 a month. I hope it may be possible, at least when the

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Provincial scheme of education comes into operation, if not indeed earlier, to do something for that class of officers who are successfully carrying on duties at Calcutta, Patna and Hooghly, of much more highly-paid officers. Permit me, Sir, also to add a word on behalf of the Educational Officers—Graduates of our own University—who are doing useful work in colleges and schools or in inspection duty; and to express the hope that in the interests of the community, their position and prospects will always be such as to prevent other lines drawing away all our best men to their ranks.

"I will detain the Council with only one matter more. One of the recommendations of the Bengal Committee of the Education Commission refers to the establishment of what are called European scholarships (*vide* page 153 of their report). They say :—

'There should also be some *European scholarships* sufficient in value to enable the holders to obtain their education in Europe. These would ultimately reduce the expense of the Government colleges, since those who had thus been educated in Europe might probably be able to take the place of European Professors.'

"I am perfectly aware that there is a State scholarship and also a Gilchrist scholarship available at intervals; but they are few in number, and there is no guarantee that on their return those scholars will enter the Educational Service. If your Honour's Government will devise a scheme by which, at least for some years to come, a certain number of the best students would be annually sent to England and Germany or France to be educated there under the best Professors on condition of their serving in the Education Department, it will, I believe, give complete satisfaction and will also in the end prove economical in the saving of salary and allowances, after recouping the initial outlay. Let me not be understood to say a word in disparagement of those men who now join the Educational Service ; but if the best men here are specially selected and specially trained under the best advantages that Europe can afford, free to pursue their studies without the stress of constant anxiety as to their future, the efficiency of the service will not suffer, but will, in some cases, improve, and it will be possible gradually to replace, with certain exceptions, the European element by men trained in this way, who would be fully efficient, but whose employment would be more economical. They would be working in their own country, and would not go away after they had gained experience and maturity ; they would not be watching the rise and fall in exchange, and it

would be possible with the present expenditure to largely add to the professorial staff of colleges, and that in itself would be a great benefit. I remember well twenty-five years ago meeting one of the first batch of students sent from Japan to Europe. I was then a student at Cambridge. One could hardly dream then of the wonderful intellectual and material progress which has followed the inauguration of that bold experiment by the Japanese Government. Only the other day I was reading an account of the Tokio University, manned chiefly by Japanese Professors in its many departments of fruitful activity and original research. I believe, Sir, in the intellectual capacity of my countrymen, both Hindu and Muhammadan. I believe that capacity is not inferior to that of the Japanese, and that what Japan has achieved. India too may achieve under the beneficient and fostering care of that enlightened Ruler into whose hands Providence has entrusted its destinies.

"I think it will be possible in the way I have indicated not only fully to recoup any expense incurred in the education of selected students in Europe, but also to greatly advance the cause of intellectual and industrial progress in the country. I remember reading an account of the life of Pasteur, in which it was pointed out how the benefit he secured to France in the saving and the improvement of its silk industry more than doubly repaid the enormous war-indemnity of, I believe, two hundred millions which that country had to pay to Germany. No money indeed may gauge the gain that accrues to a nation from its advance in science and culture. I know, Sir, the interest which you feel in the cause of education is both broad and deep. It was over your signature that the memorable Resolution on the work of the Education Commission appeared twelve years ago. The intellectual fire that once burned so bright over this land has not wholly died. Its sparks may yet leap to life under proper care. And I trust that amongst the many landmarks which will distinguish your administration, not the least will be that which will mark the growth of a new intellectual life amongst the people of this Province."

The Hon'ble Mr. M. S. Das said:—"I am not sure that the discussions in this Council are altogether infructuous. If I felt convinced of that, I should hardly be inclined to be on my legs. I may say that the provision made in the budget for the opening of an agricultural class at Sibpur, I have observed with mingled feelings of thankfulness to Government and regret. I come from a part of the country where the population is mostly agricultural, and being

[*Mr. Das.*]

myself a man who takes an interest in agriculture, my interest is not confined to reading reports in the newspapers, but actually being in the fields for the purpose of seeing and making agricultural experiments. I am, therefore, very much interested in the provision made for the establishment of an agricultural school. If in establishing an institution like this the object of the Government be to improve the agricultural condition of the country, I feel that nothing is more likely to defeat that object than the location of the institution at Sibpur. We do not require young men to learn the science of agriculture, who will never take to agriculture as their occupation. If the improvement of the agricultural condition of the country is to be secured, it cannot be secured by educating a number of men in agricultural science, but by inducing a number of students of the actual cultivating class to join the institution and by having an institution located in such a place where experiments can be carried on over such areas, and in such circumstances as to place within the observation of students those practical difficulties which actual cultivators experience. There is no use in making experiments in small patches of land covering only a few yards. Such experiments do not take into account those causes which crop up when the experiment is made over a large area. In matters of agriculture the area under experiment makes all the difference. When an experiment is made over a small area, one can control the effects of light, heat and irrigation, which it is impossible to control when the experiment is over a large area. I could mention many other matters which have come within my own observation and experience, but this is not the place to do so. It will be sufficient for my purpose to say that to apply the results of experience to large areas which have been acquired in small areas is useless. I was told by my friends who have come from the Agricultural College at Cirencester that I was stupid, and could not properly apply their suggestions. I may be stupid, but it is not possible to get many more intelligent men among the cultivators of the country.

"If agriculture is to be improved, it must be improved by something which would benefit the agricultural classes. I do not think it is possible in the neighbourhood of Sibpur to get a large area for experiment in such a way as would be actually useful to the cultivator. Then the fact that Sibpur is a place where living is costly, and that it is miles away from districts where we can get students from the cultivating classes, the trouble and expense of the journey, and being hundreds of miles from their houses, they are exposed to the dangers and temptations

[*Mr. Das.*]

of youth—these facts will prevent many of the cultivating class from enjoying the benefits of this institution which they would otherwise do. I do not think the people of Calcutta will ever take an interest in agriculture, and if this institution is located at Sibpur, the practical result will be to close its doors against those for whose benefit it is intended, for whose interest an agricultural class should be opened. If there is one place fitter than another for such an institution, it ought to be found in Orissa. There the population is mostly agricultural, and there a number of students from among the actual cultivating class can be had to join the institution. And, moreover, the zamindars in Orissa being proprietors of temporarily-settled estates, have no motive to improve the agricultural good of the country, because the zamindar knows that the proceeds of an improved state of agriculture do not go to his pockets alone ; and where a poor zamindar has the motive he has not the means. Besides, Orissa being a temporarily-settled Province, the Government is more interested in the improvement of the agricultural condition of the country than in permanently-settled districts. The rule, Charity begins at home, is as good for the individual as it is for the Government. It will therefore be in the interest of the Government and the cultivating classes, as well as of the zamindar, that an institution like this be opened in Orissa rather than in the vicinity of Calcutta, where, perhaps, the result will be to have a number of young men who will be able to deliver elaborate lectures on agricultural science without undertaking practically to improve the agricultural condition of the people. While on this subject, I would suggest that a portion of the money allotted under the head of Education to primary education may be very well utilised for the purpose of improving—if I may so call it—primary agricultural education in primary schools, like what they have in some parts of France. I read the details in a series of lectures explaining the system which prevails in France. This can be given effect to by introducing agricultural primers into these schools and by letting each school have a little farm of its own where the boys can make their experiments upon what they read about agriculture. From my own experience, that is, from what I have seen of these primary schools the majority of the pupils come from the cultivating class, and they become cultivators themselves afterwards. It is no use cramming young men with long dissertations and with high-sounding synonyms for horses and elephants. I have seen schools where the boys will give you twenty synonyms for a horse, an elephant, or a camel."

[*The President; Mr. Das.*]

The Hon'ble THE PRESIDENT said:—"What has all this to do with the budget? We seem to be discussing the whole system of Education."

The Hon'ble MR. M. S. DAS continued:—"I merely want to suggest that a portion of the allotment for primary schools may be devoted to the introduction of agricultural primers in those classes.

"The next point is as to the increase of the pay of ministerial establishments. The question has been considered from the ministerial officer's point of view. But there is another point of view. If the question were limited to the right of the ministerial officers to an increase of pay, I should not feel justified in re-opening the question, especially as the appeal made by the Hon'ble Babu Surendranath Banerjee was on a previous occasion met with the reply that the Government would not be justified in paying more than private employers pay their employés. But the ministerial officers of the Government are not in the same position as private employés. They form an important part of the machinery for the administration of justice in our Courts, and no analogy drawn from the law of demand and supply, as it regulates the wages paid by private employers, can properly be applied to this class of public servants; for the latter have the custody of most valuable public documents and can easily defeat the ends of justice. If the question were only limited to the right of the ministerial officers to demand an increase of pay, on the ground of the high price of things, the Government might say that they are not prepared to grant any increase, but it should be remembered that along with this question is mixed up the other question, namely, that it affects important interests from a public point of view. The amount of inconvenience and injury to the public interests arising from the employment of an under-paid ministerial establishment ought to be taken into consideration. And one thing more ought to be considered, namely the amount of loss accruing by the employment of under-paid ministerial establishments. I know as a matter of fact that during the last 12 years the defalcations in the Cuttack Treasury alone amounted to Rs. 50,000. The amount of revenue lost to the Government by the smuggling of Court fees in the record-room, as well as the loss to the public on account of the blackmail which these ministerial officers levy all round should also be considered. If it were possible to get an account of the amounts lost under each of these heads, I think it would show that the ministerial establishment, as it is

now, has actually cost the Government and the public a great deal more than it would have cost Government by giving an increase of pay and putting the establishment on a satisfactory footing. I have known cases where documents which constitute the only title deed by which a man could show his right and title to property have been removed from the Court-room by the opposite party. As long as the record-rooms are in the hands of officers capable of such things, all attempts of the Government to secure to the people a record-of rights will be simply a waste of money.

"I may be permitted to add a word with regard to the scarcity of water, inasmuch as I have had experience in the working of District Boards. Their efforts to give to the people a supply of water have been defeated to a very great extent by the reluctance of proprietors to let District Boards have the control over water in their tanks even when the Boards have agreed to let the owners retain the rights of fishery and other proprietory rights. Of course, as Your Honour has said, a great deal can be done by the people themselves."

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR said:—"I would not have risen after the exhaustive speeches of my hon'ble colleagues, were it not that I think one point should be urged on a matter which I consider so important to the poor people in the adjoining districts, that I shall not be doing my duty if I do not raise my humble voice in their behalf.

"I congratulate the Government on the excellent budget which has been laid before the Council, and in doing so I only wish to point out that there are indications in it of a keen desire on the part of the Hon'ble the Financial Secretary to cut down unnecessary expenditure and apply the savings to useful objects. The provisions made for the opening of classes for students of the science of mining and agriculture are such as are not only welcome to all, but also calculated to promote the best interests of the country. It is a matter of congratulation that there is a credit balance of about Rs. 34,40,000, and this balance will enable Your Honour to consider the question of water-supply in those districts where the want of water is mostly felt. We have been told that the Commissioners of Divisions have been instructed to urge upon District Boards the necessity of making provision for the supply of water to the people of the districts. I am a member of the District Board of Hooghly, and I know that it will be impossible for District Boards to give any relief to the helpless

[*Rai Eshan Chundra Mittra Bahadur.*]

classes of the people from the funds which they have at their disposal. Your Honour is aware of the fact which is stated in last year's Administration Report that only 1·2 per cent. of their entire funds were devoted to water-supply, and you can well imagine that that can give no relief at all. Your Honour's predecessor in office enunciated the fact that it was utterly impossible to ask District Boards to contribute more towards water-supply than they were doing at present. That you will find in the last Administration Report; but he was kind enough to recommend the District Boards to spare, if they could, Rs. 5,000 for this important object. The District Boards have many things to do. They have to maintain roads and bridges and other things which cripple their resources, and the resources of District Boards are applied (rightly or wrongly) to works which are not strictly within the objects of the Cess Act. I submit respectfully that it will be a very good thing if the District Boards were to advance money to such amounts as are within their power for water-supply, but may I not submit that out of the credit balance of Rs. 34,40,000, one lakh at least should be given as a grant-in-aid for the relief of the poor people who are actually crying for water and do not know where to find it. Your Honour's Government maintains criminals in Jails, looks after their comforts and wants, and would it be too much if I, in the name of the poor, ask you to make a grant-in-aid to the District Boards of one lakh or as much as it is possible to give to relieve the sufferings of the poor. But even that will not be enough, unless Your Honour insists upon District Boards spending large sums for the same purpose. Human suffering should as far as possible be relieved. The least enquiry will show what sufferings the people are undergoing. I do not wish to make statements which are not strictly correct, but it cannot be denied that people living at distances of 2 or 3 miles from the Hooghly, both on the 24-Parganas and on the Hooghly sides of the river, send carts to fetch water from the river both in tins and in *kulsies*, and females themselves go to the river after candlelight to fetch water. I appeal to Your Honour in the name of suffering humanity to do what lies in your power for the relief of the poor.

"As regards the question of the increase of the number of Munsifs, much has been said on former occasions, and I join in saying that their number ought to be increased on account of the responsibility which attaches to their work and the extremely arduous nature of their duties. They have to work from the early morning to 9 o'clock at home, and again from 11 A.M. till 6 or 7 P.M. I have

been told that there are stated times for work in offices, but in the Civil Courts specially there is no stated time. Munsifs, as a matter of fact—I speak from personal experience—work up to 6 or 7 in the afternoon. It is therefore a question for consideration whether some increase should not be made in their number. They are also not properly housed, and I join with my colleagues in appealing to Your Honour that something should be done. Some provision should at least be made for those Munsifs who are located in outlying stations where no proper house accommodation can be had."

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR said:—"Had it not been that my ideas regarding what is a fit matter for discussion on the present occasion, been a little widened and expanded by practical experience of the subjects that I find have been actually discussed this day in Council, I am afraid I would not have ventured to address any observations of my own to the Council on the budget. But seeing what a variety of subjects has been before the Council, and what a vast number of suggestions of various kinds has been made in connection with the budget, the Council will pardon me for the few observations that I have to make; in fact, after the turn which the discussion has taken, I would be wanting in duty if I did not communicate to the Council my views in regard to one or two questions specially affecting Muhammadan interests.

"The first point to which I would draw the attention of the Council is this. Muhammadan Law is a subject, the attainment of which is attended with considerable difficulty: even the Indian Maulvis are obliged to toil patiently for years and years before they can be said to know anything of the subject. Besides the difficulty of the Arabic language, which must necessarily be employed as the vehicle for the study of the Muhammadan Law, the subject of the Muhammadan Law itself is one which it is difficult to acquire. The ideas are difficult to grasp and realise and retain. But if besides the difficulty of the subject and the difficulty of the language, there is difficulty as regards books, then the reader may be pardoned if his courage fails and despair takes the place of hope.

"Now as regards books, the matter lies in this way. Some of the best books on the subject were printed more than 50 years ago, and they are long out of print, so that the old copies available are scarce. Others have never been printed at all; whilst there are still others which were only once printed in cheap

edition by Munshi Nuwal Kishore of Lucknow, and although the Muhammadan world must be under heavy obligations to this Hindu gentleman for the large number of Muhammadan works he has printed, still, cheapness being the object, the editions printed are inaccurate, the type is bad, the paper used is altogether indifferent, and the print is illegible; but bad as the edition might be, that also is out of print and has become scarce.

"It is believed that there was a time when Government used to bestow more extended attention to matters relating to Muhammadan welfare, and that Government used to offer encouragement to questions which affected the Muhammadans. Tradition attributes to Warren Hastings the legible and correct prints of Arabic books which the Muhammadans had. Warren Hastings, on becoming Governor of Bengal in 1772, laid down the rule that in all suits regarding marriage, inheritance, and caste and other religious usages and institutions, the laws of the Koran with respect to Muhammadans and those of the Shastras with respect to Gentros, shall be invariably adhered to. That being the rule laid down by Warren Hastings, it is natural to believe that the author of the rule must have applied himself to the task of ascertaining the native laws by procuring compilations and translations of standard text books of Hindu and Muhammadan Laws, and that what was done in the way of securing legible printed books for the ascertainment of the Muhammadan Law was done in pursuance of the policy of Warren Hastings. What was precisely done in pursuance of such policy it is difficult for me to say without reference and enquiry; but the result at the present day is this: that we have old editions in Arabic of the following printed books, viz., the Hedaya, Vol. 1, printed in 1250 Hijri in the Mutbai-Tuhy in Calcutta, Mohulla Taltollah, No. 46; the Hedaya, Vol. 2, printed in 1250 Hijri under the Committee of Public Instruction in Calcutta; the Hedaya, Vol. 3, printed in 1257 Hijri, corresponding with 1841, in the Mutbai-Tuhy in Mohulla Taltollah, No. 57; the Hedaya, Vol. 4, printed in 1258 Hijri, corresponding with 1842, in Calcutta in the Tuhy Press in Taltollah; the Futawai Alumgeeree, printed at Hooghly at the Medical Press for the use of the Madrassas under the authority of the Asiatic Society in 1258 Hijri, corresponding with 1842; the Doorrool Mookhtar, printed in 1230 Hijri at Hooghly, and again in 1272 Hijri, corresponding with 1856, in the Mutbai Kudrosee in Sealdah in Calcutta; the Inayat, commenced under the Education Committee, subsequently transferred with other Oriental works to the

[*Maulvi Muhammad Yusuf Khan Bahadur.*]

Asiatic Society and compiled undertheir auspices in November, 1837, and printed at the Baptist Mission Press in 1837. The Ashbah-wo-al Nazair, printed in 1250 Hijri; the Sherayaool Islam, published by the Asiatic Society of Calcutta and printed at the Guldustai Nishat Press in 1839.

"These are the only legible prints we have in some libraries, but, as I have already observed, the editions are out of print, and the books have become so scarce that you are fortunate if you can obtain them after a year's search on payment of fabulous price. The difficulty in connection with this question cannot be overcome by private enterprise.

"The Soonnee Law is contained most comprehensively in the Futhool Kadeer, which is a work in four volumes, and, except the indifferent edition of Munshi Nuwal Kishore, which even is out of print, we have no edition available. The Ruddool Moohtar, which extends over seven volumes, is another copious work on the Soonnee law. We have got an Egyptian edition of it, which, although a tolerably correct edition, is so closely printed and the type is so small and the paper is of so inferior a quality, that it is impossible to read the same for any length of time with safety to eye-sight, especially at night. To print the Futhool Kadeer at the Baptist Mission Press in the same type as the old Futawai Alumgeeree or the Hedaya would cost about Rs. 40,000. Turning to the Shea Law, except the Shuraya-ool-Islam, which is out of print, we have no reliable book. There is a commentary on the same called the Jawahir-ool-Kulam, which was printed in Persia. But it requires a good strong glass to read the same at day time: and at night it is impossible to read it at all. It is neither paged nor indexed. The same may be said of all other works printed at Teheran. They are useless for prompt reference.

"The next question is what has been done by Government to bring the Muhammadan Law within reach of the English-knowing public, whether Europeans or Indians. The answer is—absolutely nothing. The only rendering of Muhammadan Law we have is a translation by Hamilton from a Persian translation of the Hedaya and not from the original Arabic. The execution is faulty and the rules laid down in the original are not very correctly rendered, so that it is difficult for the English-knowing public to realise what is meant by the English words employed. Mr. Bailie has made an abridged translation in one small volume from the six volumes of the Futawai Alumgeeree; the abridgment has marred the usefulness of the

undertaking. The Shea Law stands in a worse position; because the only work we have in English is a small abridged translation of the Shurayool Islam. But the Muhammadan world has outgrown these abridged translations; and what is wanted is a full translation of such works as the Futhool Kadeer, the Ruddool Moohtar, and the Jowahir-ool-Kulam.

"Upon the subject of Oosool or Jurisprudence, we have no translation at all. We have splendid works in the original on the subject in the Tawzeeh and the Tulmeeh, not to mention other works: The Tulmeeh should be printed because we have no legible printed edition of it available. And if we could have a translation of the Tawzeeh and the Tulmeeh, then the European world would be able to know something of the Arabian jurisprudence of which they cannot but be entirely ignorant now, there being no English books on the subject. But if the original works on the subject of jurisprudence were to be translated, then every right-thinking person would realise that what now appears to be a mass of chaos is governed by rules than which nothing could be more perspicuous.

"It is time that the Government should turn its attention to the subject. The institutions of Maulvis and Pundits to assist the Courts has been done away with. The only assistance which the Courts can derive is from the Bar: the Judges and Members of the Bar, as a portion of the public, must have facilities and aid in the prosecution of their studies of Oriental laws. In the absence of authorities, great ignorance on the subject prevails, and there have been signal instances of failures of justice, and that circumstance has created something like a panic with the Muhammadans. The same remarks apply to Sanskrit works in which there are still fewer books printed.

"If therefore there is a surplus and nobody knows what to do with it, I would humbly suggest an item of expenditure in the way pointed out in the remarks I have made. At any rate, if the surplus lies unemployed, it will not be for want of a suggestion; and the suggestion which I most humbly make is one which relates to a matter within the province and duty of the Government. It is as obligatory on the Government to have a correct and authorised version of the Hindu and Muhammadan Laws, as it is obligatory to have a correct and authorised version of Acts and Regulations. Government cannot say to the people—we have provided you with the Civil Courts to administer unto you your laws, but you must let us know what those laws are at your

own expense and trouble, and you must yourself instruct the Civil Courts in your own laws, although as regards Acts and Regulations it is no doubt the duty of the Government to provide for the expense of maintaining a machinery for the purpose of creating them and preserving them.

"As regards the establishment of a school for Muhammadan girls, I am glad to find that the Hon'ble Mr. Bose has mentioned the subject. The question has been under contemplation for some time, and some well-meaning Muhammadan gentlemen are taking part in promoting the idea. There is no doubt before long some substantial proposal will be laid before the Government.

"As regards the location of the proposed Agricultural School in Orissa, I submit, if the question of location is an open question, I do not see why preference should be given to Orissa over Bihar, for Bihar seems, for various reasons, to have a preferential claim to the honour."

The Hon'ble MR. GLADSTONE said:—"I observe in the Financial Statement under the heading 'Civil Works in charge of the Public Works Department,' that a special allotment has been made of a sum amounting to over six lakhs of rupees for the extension and improvement of the Medical College and Hospital. I also observe under the heading 'Medical' that a sum of Rs. 1,44,000 has been estimated to provide, among other things, for furniture and fitting for the Calcutta hospitals. While we all rejoice to see money being spent where the object is to provide for the better comfort and care of the sick, I venture to express a hope that Government will be pleased to make some further extensive grants towards improving the Calcutta hospitals and the General Hospital in particular.

"Anybody who has visited the General Hospital cannot fail to have been struck with the gloomy and altogether inadequate accommodation which is there provided, and if the result of a visit is depressing to the visitor, what must it be to the patient. It is generally admitted from the highest authority downwards, that the accommodation at the General Hospital is altogether behind the times, the needs of Calcutta having quite outgrown anything that was contemplated when the present arrangements were first put in practice. What was known as Dr. Crombie's ward has recently been better furnished, thanks to the exertions of some private individuals, but a great deal more than this is required. For example, I am told that the cooking arrangements are

altogether deficient, and that the accommodation for the Apothecaries and Nurses falls very far short of what it should be. I may mention that recently the supply of bed linen ran out completely, and the want was supplied by some generously disposed individuals.

"It seems to me that efforts should be made to establish a 'Home' for European paying patients, a home to which those who are suffering from disease or accident can resort with full expectation that they will receive all the comforts and attention which their cases deserve, and which are so very necessary in a climate like this.

"The establishment of such a Home will no doubt be a costly matter, but seeing that the Mercantile community subscribe so largely to Calcutta hospitals, a sum which amounts to Rs. 70,000 per annum, I think I have some right to urge that Government should come forward with a further liberal grant to improve the present condition of the hospitals, and the General Hospital in particular.

"Any step which the Government would be pleased to take in this direction will, I know, meet with the most cordial approval, not only of the Mercantile, but of the general, community, and I hope that Government will be pleased to make a further liberal allotment in this time of its prosperity."

The Hon'ble MR. WOMACK said:—"After the lengthy remarks which have already been made, I will only detain the Council for a few minutes with reference to one or two subjects which affect the community which I have the honour to represent. I notice that in the budget of the past year, credit was taken and no doubt very properly taken for a sum of Rs. 70,000 odd from the proceeds of jail manufactures sold to the Military Department of the Government. I only hope that this increase in jail manufactures will not affect prejudicially the rights of private traders. The subject of the employment of prisoners is, I know, a complex and difficult one, but I hope the Government will be pleased to impress upon the Inspector-General of Jails the necessity of restricting jail manufactures as far as possible so as not to interfere with private enterprise, and of finding extramural employment for prisoners, wherever practicable.

"The only other question to which I wish to refer is a question of finance in connection with the Court of Small Causes in Calcutta. The Hon'ble the Chief Secretary to Government informed me last week that a reduction in the

scale of fees charged on the institution of suits in that Court is intended, but he intimated that the reduction would only affect suits of the value of Rs. 500 and under. Gratitude has been described as a sense of favours to come, and in this sense only I imagine, will the commercial and trading community accept this proposal, which is now before the Government of India, for I can see no reason why the administration of civil justice should be more expensive in the Presidency towns than in the Mufassil. I feel sure that were the rate of fees under the Court-fees Act adopted in Calcutta, it would entirely meet the necessities of the case here, and would in a very short time yield the amount of fees levied under the present scale.

"I wish to take the opportunity of thanking the Government for the resolutions which were issued in the course of the past year relating to the purchase of stores locally. The result has been very satisfactory, and has satisfied those concerned that a considerable amount of progress has been made in the substitution of local for imported stores, and I therefore hope that the issue of this information will become an annual institution."

The Hon'ble Mr. BOLTON said:—"I have to say a few words in answer to the remarks which have been made on the subject of Education. The Hon'ble Member who opened the discussion—Babu Guru Proshad Sen—has suggested that a larger grant should be made for education, and has compared the grant in past years with the figures for recent years. I have not the advantage of referring to the earlier figures which the Hon'ble Member quoted; but with regard to recent years, I find from the budget itself that there has been an increase in the funds allotted for education during the past two years. The actuals for 1894-95 amounted to Rs. 26,38,000, and the budget estimate for 1895-96 is Rs. 26,72,000; while for the current year the figures are Rs. 27,76,000, showing an increase of over a lakh of rupees. At the same time education has also advanced. From the report of the Director of Public Instruction for 1894-95, it appears that in all Bengal the number of schools increased by 613 in 1894 and 2,524 in 1895, and of pupils by 14,211 in 1894 and 92,252 in 1895. As the financial condition of the Province improves, additional funds will be available, and the requirements of the Education Department will not be overlooked.

"The Hon'ble Member who represents the University referred to several matters connected with Education. The first subject was the Agricultural Class

at the Sibpur Engineering College, for which the sum of Rs. 10,000 is provided in the estimates. That class has, however, not yet been started, nor has the scheme for it been determined. It is still under consideration, and at present no decision has been arrived at. The idea of locating the class at Sibpur has suggested itself because the services of the Professors of the College will be available there, and there is also close to the College an agricultural farm, where the students may have practical training. The Hon'ble Member from Orissa has suggested that the class should consist chiefly or entirely of the sons of agriculturists; but I think that it will be very difficult to establish a class on that basis at present. The advantage of training a better class of students is, that they will leave the school and go into the interior and put into practice the knowledge and training they have acquired. It is also suggested that agriculture might be taught at primary schools, and that primers of agriculture might be introduced in those schools. Primary schools have already sanitary primers, and I fear that the instruction would be extremely uninteresting to the young pupils if an agricultural primer was added. The Hon'ble Member also suggested that small farms be attached to the schools for agricultural experiments. It is extremely doubtful whether practical effect could be given to this suggestion. The establishment of *kindergarten* classes has also been alluded to. That, it seems to me, is an experiment which it would be better, in the first instance, for the Hon'ble Member himself to try in any school in which he is interested. If success is obtained, the Government might consider it desirable to encourage and aid such classes.

"With regard to female education, it is suggested that the grants made to Girls' schools might be increased. I observe, on reference to the last report of the Director of Public Instruction, that the number both of Girls' schools, and of pupils at those schools, has increased during the past year, and it thus appears that progress is being made with the aid which these schools already receive. Still the fullest encouragement should be given to female education, and the claims of Girls' schools to aid, or to more aid than they actually receive, will doubtless be considered by the Department, whenever proper representations are made.

"In connection with Muhammadan education, a proposal has been made for providing school instruction for girls of good family. An application has been received asking for a grant-in-aid to a school for the education of such

girls. It appears from the figures furnished that the cost of such a school will be Rs. 460 a month, and that the funds which private individuals offer to contribute amount to only Rs. 40 a month. It is obvious that the Government could not make up the enormous difference between these two amounts, and it is necessary that those who are interested in the establishment of such a school—either the parents of the girls or those who favour the scheme—should contribute more liberally. The Government has intimated that if a proper proportion of the funds is guaranteed from fees and by private individuals, it will be willing to give a grant-in-aid.

"The Hon'ble Member for the University also suggested that scholarships should be established for the education of young men of this country in Europe, with a view to their admission into the Education Department on their return to India; and he remarked that this would be an economical plan. The economy of the arrangement is, however, questionable in view of the cost of sending the young men home and keeping them there for some years; and, as a matter of fact, no difficulty has been experienced in recruiting the Education Department with efficient young men, without the grant of aid from the Government towards their education in Europe."

The Hon'ble Mr. Cotton said:—"I notice that a somewhat new departure has taken place to-day in the discussion of the budget, and I fear that I cannot congratulate the Council on the discursive nature of many of the speeches delivered. The greater part of the speeches which have been spoken by Hon'ble Members can hardly be described as a discussion of the budget. They may be more accurately described as dissertations on our educational system or on the position and prospects of agriculture in Bengal, or upon other administrative topics. Now, although, the observations to which we have listened to-day are no doubt very valuable and practical, yet they have little or no bearing on the subject of the Bengal Provincial Budget. In one respect it is an advantage to the official Members of the Council that the speeches should have been of this discursive nature, because it gives them very little to reply to. It is not to be expected that the Secretaries to the Government should go over all the suggestions which have been made in regard to education in Bengal, or topics connected with agricultural improvement, or that they should go in any detail

into the question of water-supply or the publication of Arabic books or the postponement of civil suits. All these are interesting and important subjects, but they are not connected with the budget.

"The speech of the Hon'ble Babu Guru Proshad Sen was, however, directly connected with the budget. As I understood him, he adopted a very singular line from a financial point of view. The estimates appeared to fill him with anxiety and distress that the revenues of the Province should be expanding, but at the same time he was animated with a desire that the expenses of the Government should increase. To an ordinary observer, however, the expansion of the excise and stamp revenues is a very fair indication of the advancing prosperity of the people of the Province; it would certainly be so taken in any other country in the world than in Bengal, and I have yet to learn that Bengal should be taken as an exception in this respect. As a matter of fact, the past five or six years in Bengal have been years of remarkable prosperity. There have been excellent harvests, and the country generally has prospered. In such circumstances it is to be expected that the excise revenue should have expanded and the stamp revenue increased. I am far from considering this a matter of regret, and have no sympathy for the yearnings of the Hon'ble Member for the old halcyon days, when the excise revenue was less than a hundred lakhs and the stamp revenue at a proportionally small figure; nor can I conceive how it could be to the advantage of the country that the Provincial finances should be some sixty lakhs less than they are now. At the same time the Hon'ble Member desired that in certain directions there should be largely increased expenditure. But how such larger expenditure could be met except with an expanding revenue I do not know. It is hardly worthwhile to follow the Hon'ble Member in the observations he addressed to the Council in regard to the stamp revenue. He went so far as to say that the great bulk of the stamp revenue is rendered to the Government by the poorer classes of the country. That is a point which I think none of us will be prepared to admit. The figures which I have to-day furnished to the Council show that the number of suits tried by Munsifs is a little over five hundred thousand, but this is a very small number when compared to the seventy millions which populate this Province, and to say that the bulk of these five hundred thousand suits is instituted by the poorest of the population is, on the face of it, absurd. The bulk of the stamp revenue comes practically from the wealthier classes,

and if it is so in regard to court-fee stamps, it is much more so in regard to general stamps, which are realised on deeds and other documents, and I believe it is in respect of general stamps that the increase of revenue is largest.

"Several Hon'ble Members referred to the question of increase in the number of Munsifs. No doubt, there is something to be said from their point of view. I for one have no doubt that it would be a great advantage to the administration of justice if the number of judicial officers all round could be materially increased. The pressure on Munsifs as well as on Subordinate Judges, Deputy Magistrates, Deputy Collectors, Magistrates and Collectors, Judges, and, I may add, Secretaries to Government, has now become very considerable. We would all be very glad to be relieved of a part of our ordinary duties; but that the increased pressure is greater in the case of Munsifs than on other classes of officers I do not admit. The figures show that in contested cases—the practical test of the work done by Munsifs—the increase is far smaller than the increase which has been sanctioned in the number of Munsifs, and I find, as a fact, that of contested suits tried under the ordinary procedure, a Munsif does not dispose of on the average more than twenty-five in a month. Some of these may be very difficult cases, but the figures before the Council do not indicate that the amount of work done by Munsifs is so exceptionally great as to entitle them to special sympathy. I admit that they are an exceedingly conscientious and hardworking body of men, but that may fairly be said in respect of many other branches of the public service. And with regard to the question of their health, from information which comes to my ears—and I have the best opportunity of judging of such cases—I believe that the health of Deputy Magistrates and Deputy Collectors is more seriously affected by overwork and exposure than is the case with Munsifs. Then I come to the question of the housing of Munsifs which was particularly raised by the Hon'ble Babu Surendranath Banerjee. This is a question which was referred to in last year's debate, and it has been under the consideration of the Government of Bengal during the past year. The late Lieutenant-Governor placed himself in communication with the Hon'ble Judges of the High Court, and we have received a practical and useful report from the High Court on the subject. The substance of their recommendation is that the only way in which the difficulty can be met is by the Government constructing houses for Munsifs in secluded stations, and charging them with a reasonable rent for the accommodation, and I am in a position to say that the Government is prepared to take

steps in this direction. But I must warn you that the expenditure which the Government can incur in this respect must be a moderate one. At the present moment the number of Munsifs at outlying stations cannot be less than two hundred; and if each of these is to be provided by the Government with house accommodation at a cost of Rs. 5,000 in each case, it needs a very simple arithmetical calculation to arrive at the conclusion that it will require the sum of ten lakhs to provide Munsifs with residences, and that, of course, is an expenditure which the Government will not incur. The reasonable course will be to ascertain the cases in which the construction of Munsifs' houses is most urgent; a standard plan is already under preparation in the Public Works Department: and when we have ascertained the most urgent cases, we will proceed to construct houses for which the Munsifs who occupy them will have to pay a rent of Rs. 20 or Rs. 25 a month. Last year, standing in this place, I said I thought many Munsifs would be very reluctant to pay such a rent, and nothing I have heard since has induced me to change that opinion; but when once the Government has constructed the houses, the Munsifs will have to occupy them and pay the rent, whether they wish it or not.

"I wish to add a few words in connection with the question of water-supply, which is now a burning question in this Province, and also to reply in some degree to the appeal made by the Hon'ble Rai Eshan Chundra Mittra Bahadur for a grant of one lakh to the District Boards to make provision for a supply of good and wholesome water. I did not notice whether he meant a grant of one lakh to each and every District Board, or one lakh altogether. [The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR said:—"I asked for one lakh altogether."] This is of course an exceptional year; we have been six months now without rain and the sufferings and hardships of the people, as the Hon'ble Member has so graphically described them, are extreme. But I can remember similar years. My experience enables me to recall other years of equal drought and equal suffering and in those days the opportunity of bringing public grievances to the notice of Government were infinitely less than they are now. But in one year to which I refer I remember what was done. The Government advanced one lakh of rupees—in 1882 I think it was—to the Nadia district for the excavation of tanks. There is no district where the suffering on account of the want of water is greater than in Nadia. It is perhaps the district of all others which suffers most intensely from want of water, and where the villagers are more

dependent on the supply of water from tanks. But the grant of one lakh in that district did not go very far. It did not produce any material effect on the condition of the district, and the residents of that district are from all accounts as badly off now as they would have been if that grant had not been made. The truth is, as His Honour has indicated from the Chair before this discussion began, that nothing can remedy this terrible want in the Province but co-operation between the villagers and their landlords. There are many practical difficulties. The landlords own all the tanks, and not one landlord in each case, but many. There are many co-sharers in almost every tank, and they have disputes with each other as to their several interests in the tank, whether fishery rights or any other, and it is found very difficult to get them to agree. But obviously it is the paramount duty of the landlords to agree together and come to terms with each other, either for the construction of new tanks, though that is rarely necessary, or, what is much more important, for the re-excavation and maintenance of the existing tanks. There are few villages in which there are not several tanks, but they have been allowed to run to rack and ruin, but it is the duty of the landlords to keep these tanks in order, so that there might always be a supply of good water. Practically, all that the District Boards can do is to give a little help here and there, and to supervise the work of bringing these tanks into use by their officers or by some other means. The villagers must organise the labour which is necessary for their own good and for their own interests; they must give their labour spontaneously and as free labour. The zamindars must be prepared to give up their own petty quarrels and disputes, and allow their tanks to be improved in the way I have described. Looking at the question as practical men, we can see that this is really the only course to be followed. What are Rs. 5,000 for the water-supply of each district? One single tank will cost that if it is properly constructed. In a large district of a million or a million and-a-half of inhabitants, Rs. 5,000 is too insignificant a sum to talk of. The Local Boards can do nothing more than supervise the work. As for the Government responsibility to provide water it is a chimera. The people must supply themselves with water as they used to do in days gone by. It is not the case, as the Hon'ble Babu Surendranath Banerjee suggested, that the imposition of the Road Cess has interfered with the benevolence of the zamindars in digging tanks. It is quite true that the benevolence of zamindars in this direction has, to an appreciable extent, withered up, but that has no concern with the Road

Cess Act. That tendency was marked long before the Road Cess Act was thought of. The Road Cess Act was passed to improve communications. It was not passed, as certain newspapers have said, to provide an improved water-supply. That was a suggestion of the Duke of Argyll before the Act was drafted, but the Act of 1871 was limited to the improvement of communications: there was no mention in it of water-supply. Subsequent legislation has included water-supply as one of the objects to which the funds levied under the Act can be devoted, but when the Act was originally passed, it was confined to the improvement of communications. That is an important point to recollect. Therefore that Act, in empowering local authorities to provide means of communication, could never have had any effect in preventing zamindars from digging tanks for the benefit and welfare of their raiyats. Whatever the cause may have been, which has led to the withering up of charity in this respect, it is certainly not due to the passing of the Road Cess law. It is possibly due to the many and diverse demands from zamindars of a different character which have arisen within the last fifty or sixty years. Zamindars have to meet much larger demands than before, but it is greatly to be regretted that the digging and repairing of tanks, which is most important for the welfare of the people, has ceased, and I can only repeat that if the people are to be effectively relieved from the sufferings they are now enduring, it can only be done by the co-operation of landlords and raiyats."

The Hon'ble MR. RISLEY said:—"I will endeavour to take up in order the numerous points which have been referred to by the several Hon'ble Members who have spoken, omitting those which have been effectively dealt with by other speakers who have preceded me. Commencing with the Hon'ble Babu Guru Proshad Sen, I observe that he took exception to the character of the debates which take place in this Council on the budget, on the ground that no practical result can come from the discussion. The same point was touched on by the next speaker (Hon'ble Babu Surendranath Banerjee), who took a more reasonable view of the matter. To what he said I have only to add that it does not follow that reasonable criticism is useless because it does not produce its effects till the next year. Whatever remarks are made by Hon'ble Members in the course of the discussion of the Financial Statement receive very careful consideration, and in many cases action is taken by Government in the directions indicated. Returning to the Hon'ble Member who spoke first,

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I share the Hon'ble Mr. Cotton's surprise that he should have adopted what I can only describe as an extremely melancholy attitude, and should have bemoaned the fact that excise and stamps have yielded too much revenue, and that our finances are altogether too prosperous. To any one who has ever read the debates on the English budget, it is curious to find that a state of things on which the Chancellor of the Exchequer congratulates a country not specially conspicuous for temperance, should be treated as a matter for regret in a country the people of which, for all that has been said to the contrary, are emphatically sober.

"After complaining of the extension by leaps and bounds of the Excise Revenue, the Hon'ble Member's next point was to challenge the action of the Government on the report of the Excise Commission. He charged us with slipping out of the pledges given when that Commission reported, and gradually whittling away and getting rid of the restrictions which we agreed to at the time. Nothing can be further from the facts. One of the main recommendations of the Commission was that central distilleries should be re-established in all large towns at the head-quarters of districts—they enumerated twelve towns, including Patna and Dacca, in which such distilleries should be established; and they added that the question of establishing central distilleries in other places was carefully considered, but they decided against recommending it. So far from stopping short of the recommendations of the Commission, the Government went a long way beyond them, and at the present moment the central distillery system is in force in the whole of the Presidency Division, in Dacca, and in Orissa, with the exception of certain jungly tracts in Cuttack which are unsuited to it. It is also in force in the whole of the Burdwan Division, with the exception of certain jungly tracts in Midnapore, which are equally unsuited to it. Moreover, whereas the Excise Commission merely recommended the introduction of central distilleries in large towns, that system has been extended in a manner they never dreamed of by the establishment of depôts which enable outstill liquor to be spread over very much larger areas than would otherwise be possible. To show the effect which the report of the Commission has had, I will quote the figures of the number of outstill shops in 1886-87 and in subsequent years. In 1886-87, which may be practically taken as the first year affected by the report, there were 3,608 outstill shops; by 1890-91 that number had dropped to 1,722,

and it now stands at 2,038. As regards the rise since 1890-91 in the number of outstill shops, I cannot admit that it is a matter for criticism at all. Each case is considered as it comes up; conditions change, and orders must be changed to meet them, and where a large policy like this is initiated, I need not say that anybody who has experience of affairs will know that you may go at first further than is desirable, and afterwards circumstances may show the necessity of modifying the action which was taken.

"The next allegation is that we have disregarded the recommendations of the Commission as to fixing the sites of outstills. The Commission recommended that the local authorities should be consulted in this matter, and everybody must feel that their recommendation was a reasonable one. The action taken by the Government was to draw up a set of rules setting out precisely what the district authorities should do in order that local option may be exercised as far as is possible under the conditions of this country. The rules are long, and I will not quote them at length. The rule to which the hon'ble gentleman has referred to runs as follows:—

'The district officer should notify to Municipal Commissioners the sites selected for liquor shops within municipal limits, and should the Commissioners object to any of them, he should carefully consider their objections, and if he does not agree with them, should refer the matter to the Commissioner of Excise for decision, pending which he should not allow any shop to be opened on a site objected to.'

"Our procedure in this matter was approved by the Government of India, our rules were circulated to other Provinces, and it was suggested that the rule which I have quoted should be universally adopted. It is therefore incorrect to say that in respect of local option there has been any departure from the recommendations of the Commission.

"The Hon'ble Member went on to speak of the reduction of the duty on distillery liquor in Bihar. The circumstances which led to this change are these: that there were two rates of duty in Bihar, Rs. 2 and Rs. 2-8 per gallon. It was found that there was no reason for differential rates, and it was considered more convenient to have one uniform rate. The question was one solely of convenience, and no other issue was in any way involved. The Hon'ble Member has gone even further astray in the next subject he touched upon, namely, the reduction of distillery fees. The practice was to charge the *abkars* a uniform rate of distillery fees, whatever the strength of the liquor

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might be. This made it to their interest to distill liquor at higher strengths than the people are used to. As the Hon'ble Member knows very well, the stuff the people of Bihar drink by preference is called *khasia*, and ranges from 84 to 90 degrees below proof. The object of graduating the distillery fee to the strength of the liquor was to remove all temptation from the people to drink stronger liquor, and that end has, I am glad to say, been attained.

"Then there was the question of fixing a minimum price. It was no doubt recommended by the Excise Commission that a minimum price should be fixed for the sale of outstill liquor. I think every one felt at the time that such an attempt was doing violence to all economic principles. It was, however, tried, but would not work. It was described by an officer of much experience as the 'wildest of chimeras.' The Board of Revenue said it was useless to pass rules on the subject. The *abkars* were exceedingly sharp, and it was impossible to get from them an admission that the liquor was sold below the minimum price. Nor would their customers betray them. For these reasons the attempt was abandoned simply because it was found to be ineffective.

"A further allegation is that we have unreasonably and in bad faith departed from the recommendation of the Commission that the capacity of stills and fermenting vats used by outstill licensees should be limited. This is a recommendation on which the Commission laid considerable stress, and it has a very long history. From Regulation XXXIV of 1793 down to the Excise Act of 1878 the capacity of the stills to be used by outstill licensees was in theory limited, but opinion is very much divided as to the meaning of the law. It is obviously absurd to have a hard-and-fast rule limiting the still to a particular capacity, quite irrespective of the demand from the tract to be supplied. The matter was enquired into in 1879, and it was found that the restriction had been practically all along a dead-letter; consequently, the clause was struck out of the license, possibly without sufficient consideration. Four years later the enquiry was taken up by the Board of Revenue independently, and before there was any talk of the Excise Commission. But it is an extremely intricate matter, and it took a long time to get reports from the District Officers. The Commission was then appointed, and the Board handed over the matter to the Commission. They dealt with it in paragraph 107 of their report, and recommended a certain system. Their idea was that the aggregate producing

power to be allowed in each district should be fixed by the Board of Revenue and divided by the local authorities among the shops of each district in proportion to the local demand.

"Thus the capacity of each still would be such as to meet the local demand upon it. This proposal took a great deal of consideration, but eventually it was approved and adopted in the Board's rules; and I find there an elaborate formula for ascertaining the capacity of the still. These rules lay down that the local demand is to be determined from the accounts of the licensees and the statements of the villagers. Having got these wholly untrustworthy data, you then perform a complicated arithmetical calculation, and the result is that you get out that according to the theory the still should hold so many gallons. It was found, however, after some enquiry, that the capacity of the still could not be so determined; the data were absolutely conjectural, and the system cost infinite trouble to the fiscal authorities. Moreover, it annoyed the *abkars*, as it has frequently afforded the easiest means of black-mailing them; but if the *abkar* was on good terms with his fellow-villagers and the excise subordinates, he experienced no difficulties; he could work his still and his vats in another district, or in the fields. I went carefully into the question when I visited Patna five years ago, and came to the conclusion that the rules could not be enforced. Then a new rule was introduced, which withdrew absolutely all restrictions upon the capacity of the fermenting vats, and as regards the stills, Collectors are empowered to extend the capacity to such extent as they think desirable subject to the control of the Excise Commissioner. To sum up—the scheme of the Excise Commission was tried for a good many years, but it was found that it could not be worked at all as regards the capacity of the vats, and as regards stills, only to a certain extent; consequently a larger discretion has been given to local officers. This, I think, disposes of all the points raised by the Hon'ble Member in connection with the Excise Commission.

"As regards the Stamp Revenue, I confess that the point of view taken by the Hon'ble Member is to me rather a puzzling one. He seems to think that by some art magic the receipts from stamps can be improperly increased. But the administration of the stamp revenue is, above all things, a matter of positive law. The Court-Fees Act of 1870 and the Indian Stamp Act, 1879, and the rules made under them, lay down, in the most precise and particular

fashion, what kind of stamp is appropriate on any particular occasion, and provide for settling doubts by reference or appeal. Everyone has his pleader, his mukhtear or his dalal to look after his interests, and I have not found these gentlemen at all backward in taking all the advantages the law gives them. What I wish to insist upon is that the question is one of law, and law only. Whether the proper means of settling it is an appeal to the Board of Revenue or a reference to the High Court I am not prepared to say, nor does it matter. But executive discretion can no more affect it than it can the bore on the Hooghly or the distance of the moon from the earth; nor is the discussion of the budget statement a suitable occasion for bringing it forward.

"This brings me to Process Fees. Hon'ble Members may perhaps remember what Sir George Campbell said about the luxury of litigation; and every one knows that there is no form of expenditure for which money is so readily forthcoming as for carrying on a suit. The Hon'ble Member who comes from Bihar and represents Dacca, and those who think with him, seem to suppose that when they have said that process fees, in so far as they exceed the expenditure on process-serving establishment, are a tax on litigation, they have proved their case. That is hardly so. After all there are many canons of taxation, and this tax in particular is easily collected; it falls, to a great extent, upon a form of luxury, if not of gambling; no one feels its incidence, and it is probably as good a tax all round as you are likely to get.

"Then, as to the grant for Education, the Hon'ble Member made the interesting suggestion that the Government of Bengal did not spend as much upon education as the Governments of various other countries did. That, no doubt, may be the case, but it should at the same time be observed that other countries take from the people much more in the way of taxation than we do. Compared with England, the revenue from taxation in Bengal comes to Rs. 1-2 3 per head per annum, whereas in England it is Rs. 31-9-1. No doubt if we get more money from taxation, we should spend more on education. Sir Alfred Croft says we ought to spend 10 lakhs more a year in order to place our system of primary schools on a satisfactory footing. But where is the money to come from? If we are to follow the precedent of England, the first thing we should do would be to divert funds from higher education and spend them upon primary education; but I doubt if that is precisely the conclusion which the Hon'ble Member desired to indicate.

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"Turning to the speech of the Hon'ble Babu Surendranath Banerjee, I must cordially acknowledge the kindly terms of undue commendation in which he has spoken of the part I have had in the preparation of the Financial Statement. The Hon'ble Member referred to the Bombay practice of laying before the Council the minor heads of the budget and full details under all heads, and he intimated that it would be very welcome to the non-official Members of the Council. Considering what a tangle of details there is, it does not seem so clear to me that Hon'ble Members would thank me for throwing the departmental budgets at their heads; they represent the result of three or four months of hard work and a mass of discussion which I should shrink from inflicting on the Council. Then the Hon'ble Member seems to be under the impression that when the time for a new Provincial contract comes, the accumulated balance of the Province will be taken away, unless it is spent within the year, and he implies that our motive for increasing grants to the Public Works Department is that unless the money is spent, the accumulated balance will be taken away. I may, however, inform him that the Government of India never has taken away the accumulated balance of the Province. The Hon'ble Member should distinguish between the accumulated balance and the normal surplus; the figures Rs. 14,39,000 represent not the accumulated balance but the normal or recurring surplus. The two things are absolutely different. As the next contract has been referred to by several speakers, I trust I am in no way overstepping the rules which govern our present discussion when I say that we shall make the best fight we can for the Province.

"Under the head of Education the figures Rs. 1,60,000 do not include the sum of Rs. 90,000 for electric lighting at the Sibpur Engineering College. I mention this specially because it is an important step in the direction of weaning the rising generation of students from a purely literary career. The intention is that the Sibpur students should put up their own installation, and thus in course of time should learn the rising business of electricity, which promises to open up to them the new and profitable career of electric engineers.

"The question of education within municipal limits, which the Hon'ble Member referred to, has been thoroughly disposed of by what His Honour said in his reply to the address of the Indian Association, with reference to the action of Divisional Commissioners. The complaint is that they interfere too

much with the details of the budget, and in that way with the action of municipal bodies with regard to education. It is a question of how Divisional Commissioners should exercise their discretion. It seems to me that the first duty of municipalities is to make full provision for primary education for all children of a school-going age. They may then think of applying funds to a higher class of schools.

"The Hon'ble Member went on to speak with great feeling of the terrible outbreak of Cholera going on in many portions of this Province, and in the neighbourhood of Calcutta in particular. I wish to say that the Government has done what it can to deal with this formidable but obscure disease. Dr. Haffkine is now working under Government support and assistance at preventive inoculation, and we have placed at his disposal three commissioned Medical Officers and two Assistant Surgeons: he has been to Serampore and other places, and wherever Cholera breaks out a telegram is immediately sent to him, and he goes and inoculates every one who will agree to be inoculated. Of course, the visitations of Cholera are very greatly aggravated, if not caused, by the defects of water-supply, and no doubt the riparian municipalities are very badly affected for this reason. But I cannot help observing that the municipalities on the west bank of the river Hooghly have themselves chiefly to blame in this matter. It was open to them to have joined in the Howrah Water-works Scheme, and there would then have been a comprehensive scheme embracing all the municipalities in that side of the river, but they refused to join, and the Bally Municipality, which the Hon'ble Member has mentioned specially, actually submitted a petition in 1886 or 1887, praying that whatever may be done, they may not be compelled to provide themselves with pure water. Education they did not mind: water they looked on as a calamity. With regard to that group of municipalities, if the outbreak continues, I think it is a question whether pressure should not be put on them by law to join the Howrah or some other scheme of water-supply.

"As regards mufassal water-supply, we stand on very different ground, and I have not much to add to the remarks which have been made in the recent Circular, but I should like to give some explanation as to the question of funds. The allotment of Rs. 5,000 by each District Board enjoined in the last Local Self-Government Resolution is meant of course to be a minimum, and in fact many Boards spend much more. Nor is it intended to lay the whole burden on

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the Boards. The funds available for the purpose of rural water-supply may be derived from four possible sources. The first source, which I agree with the Chief Secretary ought to be the chief source, is private liberality. I have served a good deal in Western Bengal. There are many exceedingly fine tanks in that part of the country, but the most remarkable thing is the extent to which they have fallen into disrepair. Many of them bear names which indicate their history and origin, and it is certain that most of them, if not all, were constructed from private funds ; but the majority are entirely neglected now. Private liberality, like these unfortunate tanks, has to a great extent dried up. The next source from which funds are available is the road-cess. It is true that in Act IX of 1871 there is no mention of water-supply, but Act IX of 1880 was expressly passed in order that District Boards might be able to spend money for the improvement of the water-supply. So that water-supply is at the present time a legitimate charge on the road-cess, and it is a legitimate charge in a different sense from that in which education is a legitimate charge upon the cess. Strictly speaking, the road-cess may be spent on education or anything else, but the objects referred to in our earlier legislation are more properly objects to which the road-cess should be devoted. And the Divisional Commissioners who contsol the finance of the District Boards have lately been instructed that on grounds of expediency it is desirable, as a general rule, that a sum equivalent to the proceeds of the road-cess should be devoted to the objects specified in Act IX of 1880. Their attention was at the same time directed to the improvement of water-supply as an object demanding special attention at the present time. The third method by which funds may be provided is by the action of the Loans Act. This Act was passed in 1883 immediately after the sum of one lakh, to which the Chief Secretary has referred, was advanced for water-supply in Nadia. The object of this Act is to enable you to do formally under the law what was done in Nadia with considerable difficulty outside the law. There is yet a fourth source which is available in small parts of certain districts, under section 118 of the Local Self-Government Act which empowers Union Committees to raise and spend money on water-supply within certain limits.

"I turn now to the very large question of the salaries of menial servants and ministerial officers. First, as to menial servants, I should explain that we have already submitted to the Government of India a proposal for spending

more than half a lakh per annum in raising the salaries of all menial servants who get Rs. 5 or under. That disposes, as far as possible, of the question of menial servants of the Government. A similar proposal has been made with reference to the salaries of poddars who do work at the sub-treasuries. The salaries of these poddars in the Presidency Division were raised some five years ago, and it is now proposed to raise the salaries of the others, which will be felt as a great boon. The question of the salaries of ministerial officers is a much more difficult one. It was discussed at great length in the tenth Chapter of the report of the Salaries Commission. They say there that the rise in prices comes to over 60 per cent., but in point of fact this is not correct. They get this percentage by adding up a number of percentages of increase, all of which factors they treat as of equivalent value. They say rice has gone up 65·3 per cent., vegetables 83·6, and condiments 113·1 per cent. But what proportion of a man's income does he spend on condiments? It is the percentage of condiments that runs up the scale. Again, they have left out of account piece-goods, the price of which has fallen within this period. Taking grey shirtings as a test, the price of clothes has fallen 37 per cent., and at the time when the Salaries Commission wrote, salt had fallen 35 per cent. The question is no doubt an intricate one. Economists in Europe have been engaged on similar problems for some years past, without any very convincing results. But one thing is certain that the Commission's table is wholly fallacious, and gives no better idea of the real fluctuations of prices than Sir John Falstaff's tavern bill does of the expenditure on bread and sack of the average Englishman of his day. The conclusion of the Salaries Commission cannot therefore be accepted. I am inclined to think that the net rise in the prices which affects the ministerial may be put fairly enough at something between 13 and 16 per cent. But the Salaries Commission do not proceed solely on that ground. They go upon the general rise in the standard of living, and thereby bring in a number of vague indefinite factors, which the Government cannot recognise, and which are under the control of the people themselves. They thus arrive at the conclusion that the cost of living has risen by as much as 75 per cent. and they suggest that salaries should be raised somewhat on the basis of this assumption. I have had a statement prepared of the cost of a much more moderate increase to the salaries of ministerial officers, and from this it would appear that to give an increase of 12½ per cent., or two annas in the Rupee, would necessitate an increased monthly expenditure of Rs. 30,691, or an annual

increase of Rs. 3,68,292. You may say that it will cost in round numbers four lakhs, and that means a very large increase in the permanent expenditure of the Province. It will further involve the raising of the salaries of a whole class of officers on grounds which would affect other Provinces too, and under the rules which govern the Provincial contracts, such a proposal would most certainly require the confirmation of the Government of India, and it is doubtful how such a proposal would be regarded. I imagine the first question will be, is it necessary? Can you get men on the present scale of pay; and the answer must be that at present certainly the supply more than equals the demand. We recognise that this state of things is undesirable, and we are trying to divert the energies of the rising generation into channels other than literary; but, so far, much progress has not been made. This line of argument no doubt is a hard one, but I confess I do not see how to meet it. My personal sympathy with this class of officers is strong; they have done admirable work for me, and I notice that of late years lines of advancement which used to be open to them have been closed. I sympathise with them, but I can hold out no hope of a general increase of pay.

"In answer to one point in the Hon'ble Mr. Bose's dissertation on the subject of Education, I have a small explanation to give. He spoke of the decrease of Rs. 56,000 under the head of Education. Speaking from memory, I believe that in 1894-95 we gave a grant of Rs. 31,000 to the District Boards for expenditure on education in that one year provisionally, and that grant has, in the budget of 1895-96, been made permanent. The decrease therefore is really a transfer from Provincial to Local. Instead of Government spending the money, the District Boards spend it. On the whole account the aggregate expenditure has greatly increased. I have the figures, but do not propose to inflict them on the Council.

"The Hon'ble Member who represents the Hooghly district pressed upon us, first, that the Hooghly Board had no funds, and could not do anything for the improvement of the water-supply, and secondly, that one lakh should be given to District Boards out of the Provincial Funds. But there are 38 District Boards, and the amount which would fall to the lot of each Board would not be very large, even if there was a case for making the grant, which I am not at all prepared to admit. The details of contributions on the expenditure side of the budget show that we already give to District Boards the sum of Rs. 8,61,357 by

way of aid to their finances, and until all other sources of expenditure have been exhausted, including the credit of the District Boards themselves, it is extremely doubtful whether any further contribution should be given.

"Lastly, the Hon'ble Mr. Gladstone called attention to the entries in the budget under the head of 'Medical' providing for the improvement of the Calcutta hospitals, and he made certain remarks on the state of the General Hospital in particular. The General Hospital is a very old hospital, and it is admitted on all hands that it has great structural defects; its fittings and furniture are also antiquated, and much can be done for its improvement. There is, I may say, every intention to improve it. Provision has been made for proper cooking arrangements and also for better quarters for the apothecaries, who are now called Assistant Surgeons. Full provision has also been made for bedding and for various minor requirements that will tend to the comfort and convenience of the patients. As regards a home for European paying patients, I can only say that the matter has been thought of, and will be considered, and whatever can be done within the limits of a reasonable allotment to improve not only the fittings and furniture, but the building itself, will be done. The reconstruction of the apothecaries' quarters will, I hope, render it possible to construct a new block for paying patients; but on this point I can say nothing definite at present. I wish to add that no one can be more anxious for improvement than Dr. Crombie, and the present Superintendent, Dr. Cobb, is equally zealous in the same cause."

The Hon'ble Mr. COTTON said:—"With the permission of Your Honour I wish to add one observation. I failed in the remarks which I addressed to the Council to take notice of the Hon'ble Mr. Womack's criticism as to the fees which are charged in suits in the Small Cause Court. The matter is under consideration between this Government and the Government of India; and although we are precluded by the rules of this Council from publishing any details of such negotiations, I trust the result of the correspondence now going on will be to afford satisfaction to the Hon'ble Member and the Association which he represents."

The Hon'ble THE PRESIDENT said:—"*Sat prata biberunt.* I think you will all agree with me that this debate has lasted long enough, and that there are limits to one's physical endurance in this trying weather. It is true that some of the

[*The President.*]

speeches have been a little discursive, but I do not know that we need quarrel with Hon'ble Members on that account. We might perhaps have had less of what the Hon'ble Babu Surendranath Banerjee called ancient history, but the debate has been interesting and useful in calling attention to matters in which non-official Members take interest, and on the whole I have listened with advantage to what has been said. Touching the criticisms which have been passed on various questions of administration, Hon'ble Members will doubtless see that it is not possible that I should, at the present moment, make any observations, and I think you will understand that I can only promise to consider carefully what has been suggested. I will not attempt to travel over ground which has been so ably occupied by the Secretaries. Many things which I had intended to say have already been taken out of my mouth, especially by the Hon'ble Mr. Risley, and it will be unnecessary for me to repeat what has been already said. But I think it right to notice very briefly one or two points which have been raised.

"First, with reference to Education, I think everybody must have been struck by the fact that it is the subject which was referred to most often in the speeches which we have heard, and the general opinion appears to be that we ought to spend a good deal more upon education than we are actually spending or propose to spend in the coming year. I can only say, as regards that, that it is not competent to me to enter in the budget a lump sum for expenditure on undetermined or unprepared schemes, but I shall be perfectly prepared to incur larger expenditure upon education when well-considered schemes are laid before me by the Director of Public Instruction, or in any other way. I admit that Bengal could usefully spend a much larger sum upon education, and if our finances continue to prosper, I hope to be able to increase the grant considerably. I should be sorry indeed to diminish the amount of the present grant by one single rupee, and, as a matter of fact, we have increased the grant very largely, for the expenditure proposed under the head of Public Works, for the introduction of electric lighting at the Sibpur Engineering College, is really educational outlay. For the coming year the grant has in fact been increased by two and-a-half lakhs.

"In the matter of Public Works, I entirely endorse what has fallen from the Hon'ble Mr. Gladstone. A large sum has been allotted for expenditure upon the Medical College Hospital, and my intention is, if I

[*The President.*]

am spared, and if our financial improvement continues, practically to remodel the whole of the hospital accommodation of the city. Calcutta is far behind other cities in India in respect of its hospitals. We have taken up the Medical College Hospital first, because there are large improvements in connection with it, which were already in progress, and these it is desirable to complete in the first instance. The only limit to the allotment for Public Works this year is the amount which the Public Works Department can profitably expend. I have given every rupee they think they can spend, but I hope very shortly, possibly, if all goes well, next year, to be able to take up the remodelling of the General Hospital, which I entirely agree is called for, and which to a certain extent, has been begun this year by the renovation of the Apothecaries' quarters.

"As regards District Boards, a good deal has been said to-day as to their position, with reference to the question of water-supply. I saw in a Calcutta paper the other day a most libellous statement to the effect that the Government had made use of the cess funds to relieve itself of charges for education and dispensaries which the Government ought to have met from the Provincial Revenues. Nothing could be further from the truth. The Government made over to the District Boards funds which were adequate to meet the expenditure on these objects, the control and management of which has been made over to the Boards, and the figures which were quoted lately in Council show that the funds so made over are more than ample to meet the purposes for which they were given. I quite admit that there has been a strong tendency on the part of some District Boards to divert some of the funds raised under the Road Cess Act to other objects. Our District Board would like very much to divert a large proportion of its revenues to education, but the Circular which the Hon'ble Mr. Risley has read to the Council will show that I have put my foot down upon this. I have said that the funds raised from the road cess must be appropriated as nearly as possible to the objects contemplated and in accordance with the pledges given when the road cess was imposed, with this slight modification that those objects include the objects contemplated by the amending Act of 1880; that is to say, that they include water-supply and drainage, which are perfectly legitimate objects of expenditure from cess. But I am not prepared to say that the proceeds of the road cess should be devoted to expenditure on dispensaries or the support of schools, or to

[*The President.*]

furnishing veterinary assistance. I think that, on the whole, you may be satisfied that the Government has done its best to stir up the District Boards to take all possible care that the cess funds are properly applied. In the matter of water-supply the Boards must not only do what they can themselves, but should become the centres of district agitation, organisations for stimulating all concerned to do what can be done.

"There is one point in respect of which I would ask every educated gentleman to do what he can. When I was lately in Darjeeling, I received a telegram from Serampore, reporting an outbreak of cholera there. I wired to the Secretariat, and the Sanitary Commissioner was sent up there at once. He found not only that the water in the tanks was at an extremely low ebb, but that actually on the margins of the few existing drinking-water tanks cholera-soiled garments were being washed, and that nobody took any objection to it. What wonder, when people tolerate a thing like this, that nothing can be done for them! It is simply insanity: it is simply suicide. And it is hopeless for the Government or the District Boards, or anybody else to improve water-supply if the people themselves practise insanitary acts of this kind. It is the duty of every educated native gentleman to see that things like this do not occur, and to explain to the people the suicidal folly of such practices.

"There is only one point which I think the Hon'ble Mr. Risley did not notice, and that is the question raised by the Hon'ble Mr. Womack with reference to jail manufactures. I think the Hon'ble Member who raised this question may rest satisfied that the rules under which manufactures in Jails are being worked are perfectly fair, and the Government of India has just insisted that the $3\frac{1}{2}$ per cent. duty, which has been recently levied under the Cotton Duties Act, should be added to the cost of articles manufactured in Jails. I know that the question is a difficult one, but my own experience in Bengal is that private enterprise has nothing to fear from Jail competition. The work is, as a rule, done for the departments of the Government, and there is really no competition with the outside market.

"I wish to add just one word with regard to the cost of civil justice and Munsifs. As the Hon'ble Mr. Cotton pointed out, it is perfectly true that the stamp revenue is levied under the general law, and at the present rates of stamp fees, taking all India together, the administration of civil justice does not pay. It is true that it pays in Bengal, and that we get a good surplus;

but that is our luck. The only result of agitation on this subject may be the passing of a differential Court-fees Act for Bengal, and that will take away our revenue without doing much good to anybody.

"With regard to Munsifs, I am perfectly prepared to increase the staff of Munsifs to any extent which the High Court may declare to be necessary. I do not think any representation from the High Court will be negatived, but these things must be looked into carefully. When a representation comes from the High Court, we shall give it the fullest and most liberal consideration.

"I do not think there is much left to which I need refer. I could say a good deal with reference to the remarks which fell from the Hon'ble Mr. Das, in regard to the establishment of agricultural classes. The Hon'ble Member did not meet with much sympathy from the Hon'ble Mr. Bolton, but my experience has been different, and I confess I have a good deal of sympathy with him. In the Central Provinces agriculture is taught in the village schools. We had a garden attached to many schools, in which the lessons learnt from the agricultural primer are put into practice. Once a week the elders of the village used to come to the school, have the primer read to them, and discuss with the boys and the master how the lessons in the primer quadrated with their experience, and the whole village took more interest in that subject than in any other. I do not know whether the same thing can be done in Bengal, but I am told that here the curriculum in primary schools is so long that the poor boys would not have time to take up fresh subjects. What the curriculum at Sibpur will be has not yet been determined, but my desire will be not so much the training of raiyats in the science of agriculture as the training of men who may take charge of Wards' estates and things of that kind in which an agricultural training would be of use.

"I think I need not detain the Council any longer."

THE BENGAL LOCAL SELF-GOVERNMENT ACT OF 1885, AMENDMENT BILL.

The Hon'ble MR. RISLEY introduced the Bill to amend the Bengal Local Self-Government Act of 1885, and moved that it be read in Council.

The Motion was put and agreed to.

The Bill was read accordingly.

[*Mr. Risley ; Babu Guru Proshad Sen.*]

The Hon'ble MR. RISLEY also moved that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. Wilkins, the Hon'ble Rai Durga Gati Banerjea Bahadur, the Hon'ble Babu Surendranath Banerjee, and the Mover.

The Hon'ble BABU GURU PROSHAD SEN moved, as an amendment, that the Bill be not now referred to a Select Committee, but that it be published in the Calcutta Gazette for public information. He said :—

"On enquiry it will be found that horses and mules are not used for purposes of agriculture in this Province, and, moreover, there is no urgency in regard to this Bill. It may be necessary to have Veterinary Assistants for the treatment of cattle; but it is not yet known whether the Veterinary Assistants who are being trained will be able to treat cattle successfully. In the Statement of Objects and Reasons it is said that the Bill is introduced at the request of the Government of India. It may be that we are bound to carry out the mandates of supreme authority, but the Object and Reasons for this Bill are not clear. It will be an useless expenditure on the part of the Local and District Boards which they can hardly at the present moment afford. I submit under these circumstances that, before referring the Bill to a Select Committee, the views of the public should be ascertained, and when public opinion has been ascertained, it will be a question for consideration whether there should not be one Consolidation Act, containing the whole law connected with Local Self-Government. At present there are three or four Local Self-Government Acts: there ought to be one Consolidated Act. Then there are certain omissions in the law, several of which are perhaps of a formal character, but there is one important omission, namely, that, under section 13 of the present law, the Maharaja of Darbhanga, the premier landlord of Bengal, and Nawab Absoonoolla of Dacca would not be entitled to be elected to Local Boards. As these gentlemen reside within municipal limits, they would not be entitled to be elected to any of the Local Boards in the districts over which their zamindaries spread. That is an anomaly which ought to be removed. Then as to the power of the Local Government to frame rules. The Act leaves the most important points to be determined by rules, such as the rules for determining disputes relating to elections. I am perfectly certain that wise rules would be framed, but I think that that power ought not to be left to the Local Government. Again, if it is

[*Babu Guru Proshad Sen; Babu Surendranath Banerjee.*]

intended that the Civil Courts should be ousted of their jurisdiction to take cognizance of these disputes, I for one will certainly vote against such a provision. Under these circumstances, and as there is no urgency, I submit that the reference to the Select Committee should be postponed and the Bill should be circulated in order to elicit public opinion upon its provisions."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"I certainly think that a matter like this ought to receive very serious consideration at the hands of the public, but at the same time it does not seem to me necessary to vote against the reference of the Bill to a Select Committee. I desire to point out to my hon'ble friend, and to those who were Members of this Council two years back, that when the Drainage Bill was introduced there was considerable difference of opinion as to the desirability of the Bill, and it was pressed that before the Bill was referred to a Select Committee the opinion of the country upon its provisions should be ascertained. But we came to a compromise, which, I think, worked admirably, as I think all compromises generally do. It was agreed that the Bill should be referred to a Select Committee, but that the Select Committee should be requested to circulate the Bill among the various public bodies and associations, and ascertain the sense of the country. I believe a large amount of valuable information was thus collected. Therefore while fully agreeing with my hon'ble friend that public opinion upon the provisions of this Bill should be ascertained, it does not seem necessary that for that purpose the reference of the Bill to the Select Committee should be resisted. I hope the Hon'ble Member in charge of the Bill will have no objection to follow this course, namely, after referring the Bill to the Select Committee, to forward it to the various public bodies and associations with a view to the submission of their opinions upon its provisions. I cannot agree with my hon'ble friend that there is no necessity for this Bill. I think it a matter of great importance to take steps for the improvement of the breed of cattle, horses, &c., but it may be a matter for consideration whether the duty of making provision for such a purpose should be thrown on District Boards, or whether it should not be met out of Provincial Funds. I would like to recommend to the Hon'ble Member in charge of the Bill that some Member of this Council who represents District Boards should be put upon the Committee."

[*Mr. Risley; The President.*]

The Hon'ble MR. RISLEY said:—"I trust that the amendment which has been moved will not be accepted by the Council. It is perfectly true that there is no urgency in connection with the passing of this Bill, but, on the other hand, there is no reason for delaying it. As for the merits, I should have thought that if there is any country in the world which welcome a proposal to make provision for treating the diseases of animals, it is India, and I am surprised that the Hon'ble Mover of the amendment has taken up a line in opposition to the Bill. It is, I think, most desirable that the Bill in the stage in which it is at present should be put in the hands of a Select Committee, and that it should be left to them to modify it in the way they think best, and to obtain public opinion upon it if they think it necessary. That was the course adopted in respect of the Drainage Bill, and it certainly answered very well. There is one point, however, for which I wish to give an explanation, namely, the provision in the Bill relating to the rules to be framed under the Act for deciding election disputes. The Hon'ble Babu Guru Proshad Sen seems to be under the impression that this provision will bar the jurisdiction of the Civil Courts. I thought it was settled by law long ago that the jurisdiction of the Civil Courts rests upon section 45 of the Specific Relief Act, and their jurisdiction is expressly saved in respect of such matters."

The Hon'ble THE PRESIDENT said:—"I would suggest that the consideration of this motion be postponed to the next meeting. As I have said before, there is no intention of rushing these Bills through, but I wish it to be distinctly understood that I am not going to allow this Bill to be extended, nor can there be any attempt at consolidation. The Bill is to be kept to the points which it now includes."

The further consideration of the Motion was postponed to the next sitting of the Council.

THE BENGAL MUNICIPAL ACT, 1884, AMENDMENT BILL.

The consideration of the following motions was also postponed to the next sitting of the Council:—

(1) The Hon'ble Mr. Risley to introduce the Bill to further amend the Bengal Municipal Act, 1884, and to move that it be read in Council.

(2) Also to move that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. Wilkins, the Hon'ble Rai Durga Gati Banerjea Bahadur, the Hon'ble Babu Surendranath Banerjee and the Mover.

THE PROTECTION OF MUHAMMADAN PILGRIMS BILL.

The Hon'ble MR. COTTON presented the Report of the Select Committee on the Bill to provide for the protection of Muhammadan pilgrims.

THE ESTATES, PARTITION BILL.

The Hon'ble MR. FINUCANE moved for leave to introduce a Bill to amend the law relating to the partition of estates. He said :—

"At this late hour and after the prolonged discussion we have had today, it will be a relief to the Council to hear that I do not intend to enter into an elaborate statement in support of the introduction of this Bill, or an explanation of its Objects and Reasons. I may say in one sentence that the chief objects of the Bill are firstly to simplify the machinery and shorten and cheapen the procedure for effecting partitions, and secondly, to impose some limit on the subdivisions of estates below which partitions will not be carried out by the Collector. I propose now to make only a formal motion to ask leave to introduce the Bill, and at the next meeting of the Council I shall ask leave to have the Bill read in Council, and shall then submit such remarks as I may have to offer, explaining the necessity for the Bill and its Objects and Reasons."

The Motion was put and agreed to.

The Council adjourned to Saturday, the 11th April, 1896.

CALCUTTA;
The 29th April, 1896.

F. G. WIGLEY,
Offg. Assistant Secretary to the Govt. of Bengal,
Legislative Department.

Reg. No. 53G—300—25-4-96

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892.

The Council met at the Council Chamber on Saturday, the 11th April, 1896.

Present:

The Hon'ble SIR ALEXANDER MACKENZIE, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.
The Hon'ble SIR CHARLES PAUL, K.C.I.E., Advocate-General.
The Hon'ble H. J. S. COTTON, C.S.I.
The Hon'ble W. H. GRIMLEY.
The Hon'ble C. A. WILKINS.
The Hon'ble C. E. BUCKLAND, C.I.E.
The Hon'ble C. W. BOLTON.
The Hon'ble H. H. RISLEY, C.I.E.
The Hon'ble M. FINUCANE.
The Hon'ble RAI DURGA GATI BANERJEA BAHADUR, C.I.E.
The Hon'ble NAWAB SYUD AMEER HOSSEIN, C.I.E.
The Hon'ble SURENDRANATH BANERJEE.
The Hon'ble J. G. WOMACK.
The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR.
The Hon'ble A. M. BOSE.
The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR.
The Hon'ble GURU PROSHAD SEN.
The Hon'ble W. B. GLADSTONE.
The Hon'ble M. S. DAS.

NEW MEMBER.

The Hon'ble MR. W. H. GRIMLEY took his seat in Council.

PROCEDURE IN BUDGET DEBATES.

The Hon'ble THE PRESIDENT said:—"I find that my remarks at the opening of our last sitting have been in some quarters misconstrued. I have been represented as introducing the closure and the guillotine, abolishing interpellations, and I do not know what beside. It seems difficult to say anything

now-a-days which some one will not contrive to twist, but I wish to say emphatically that all this criticism is very unintelligent and altogether wide of the mark. I expressed a strong opinion as to the most convenient form of Budget debates. I raised no objection whatever to demands for information about the budget: quite the contrary. Hon'ble Members have full liberty to pass any criticisms on it and ask any questions they please about it in the course of their speeches, and if they want information before the debate for the purpose of their speeches we shall always be ready to give it. What I objected to was the double-barrelled process of putting a string of formal interpellations first, and then repeating the essence of them in long speeches afterwards. It must be remembered also that by the rules no discussion can be permitted in respect of any answer to a formal interpellation, so that Hon'ble Members, by putting these in respect of the budget, are really, on a strict construction of the rules, shutting their own mouths, and the effect of my suggestion was in fact to widen and not to narrow the scope of debate. The Hon'ble Babu Surendranath Banerjee explained in his very effective speech, to which I listened with much interest, that he asked the questions because the budget did not go into sufficient detail. He did not, however, I think, utilise the answers in this speech. The Hon'ble Babu Guru Proshad Sen elicited quite as much information by the queries embodied in his speech, and we had the benefit of a shrewd running criticism on the points taken. I hold therefore to my view that the procedure of the Supreme Council is from every point of view the best—best as saving the time of the Council, and best as giving more scope and substance to the actual debate. I shall see whether the form of the budget can be improved in future years, but I repeat that Hon'ble Members can always get full information regarding it if they apply for it, and that the right of interpellation is in no sort of way affected by my suggestion as to the form of the Budget debate."

WASTE LANDS IN THE SUNDERBANS.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(*a*) Will the Government be pleased to state the quantity of land in the Sunderbans held under the old rules of 1853, the quantity of land taken up under the new rules of 1879, and land not yet taken up?

[*Babu Surendranath Banerjee ; Mr. Bolton.*]

(*b*) Has any land been taken up in the 24-Parganas Sunderbans under the new rules of 1879, beyond the outer line of the lands taken up under the old rules of 1853? Is not the case different in this respect with the Khulna Sunderbans? Have they not the advantage of sweet-water channels running through them?

(*c*) Will the Government be pleased to consider whether it would not be expedient to revive the rules of 1853 repealed in 1879, or to offer other sufficient inducement for the reclamation of waste lands in the district of the 24-Parganas Sunderbans; and whether such reclamation was not desirable for increasing the food-supply of the country and its revenue, and for removing unhealthy swamps from the neighbourhood of Calcutta?

The Hon'ble Mr. Bolton replied:—

"(*a*) The area of lands held under the rules of 1879 is 119,279 acres, but the area held under the rules of 1853 cannot be exactly stated. The total area of grants under the rules of 1830, eventually commuted to grants under the rules of 1853, and of grants under the rules of 1853 is reported to be 495,320 acres. In the Backergunge and 24-Parganas Sunderbans the estimated area not yet taken up for cultivation is 597,395 acres. In Khulna no land is available. The Sunderbans outside the grants already made in that district are Reserved Forest.

"(*b*) The lands in the 24-Parganas Sunderbans taken up under the rules of 1879 are intermingled with lands taken up under the rules of 1853. There is no boundary line dividing the lands granted under the two sets of rules. Some portions of the Khulna Sunderbans have the advantage of sweet water at certain times of the year.

"(*c*) The rules of 1853 were found to cause hardship to grantees, as the clearance conditions were too stringent. The rules of 1879 relaxed these conditions greatly. They have been found to work more satisfactorily than the older rules, and offer, in the opinion of Government, sufficient inducement to honest enterprise. There are no unreclaimed Sunderbans swamps within 25 miles of Calcutta."

THE BENGAL LOCAL SELF-GOVERNMENT ACT OF 1885, AMENDMENT BILL.

The Hon'ble MR. RISLEY moved that the Bill to amend the Bengal Local Self-Government Act of 1885 be referred to a Select Committee consisting of the Hon'ble Mr. Grimley, the Hon'ble Mr. Wilkins, the Hon'ble Rai Durga Gati Banerjea Bahadur, the Hon'ble Babu Surendranath Banerjee, the Hon'ble Rai Eshan Chundra Mittra Bahadur, and the Mover, with instructions to report in three months. He said:—

"In putting forward this motion, I may explain very briefly, in addition to what I said in asking for leave to introduce the Bill, that this Bill is essentially an enabling measure. It is not a compelling measure in any sense of the word. It is introduced to enable District Boards to do legally what they are now doing without the sanction of the law, and what they have expressed their wish to do when the question was referred to them. In the statement of the opinions of District Boards, I find that a very large majority of the District Boards have expressed a desire to be vested with the powers proposed by this Bill. For instance, many of them want to send pupils to the Veterinary School at Belgachia, others propose to employ Veterinary Assistants, and the District Board of Patna has actually sent a Behari student to the Veterinary School at Belgachia. These are samples of the views of the District Boards themselves, which it would be tedious to read out at length. There is no reason whatever to suppose that they do not know their own minds, nor is there any suggestion that the money proposed to be expended upon the obtaining of veterinary assistance will be diverted from other proper purposes. There is no intention whatever of imposing this expenditure upon the Road Cess Fund. It is a thoroughly legitimate expenditure from District Funds, and it will be met from those funds which lie outside the Road Cess receipts of the Boards. In 1887, certain heads of income and expenditure were transferred by the Government to District Boards—education, pounds, medical and ferries. Taking the 24-Parganas as a typical instance, I find that under these heads the receipts amounted to Rs. 21,798, and at the same time the charges amounted to Rs. 41,015.

"The deficit was made up by a grant from Provincial Funds. In fact in respect of these heads of expenditure District Boards are dealt with in pre-

cisely the same way as the Provincial Government is dealt with by the Imperial Government in the periodical contracts which are made. There has been steady improvement in the receipts under these heads, and the Government has pledged itself never to reduce the grant, and they have not done so. Under certain heads, notably pounds and ferries, the receipts are constantly improving, and will no doubt continue to improve under good management. Taking them collectively, these heads of receipt afford in the average a fair income. Some Boards have a smaller income than others; Boards who have a considerable surplus have expressed their intention to employ Veterinary Assistants. I explained further that the scheme to which this Bill has reference forms part of a large and comprehensive scheme for introducing veterinary treatment throughout India. It is proposed to establish what may be described as a veterinary service with two grades of employés—one consisting of Veterinary Assistants whose training would be almost entirely practical and who would get a pay of Rs. 20, Rs. 30 and Rs. 40 a month, with certain extra allowances; and above them would be what are called Senior Veterinary Assistants who would get Rs. 100, Rs. 135 and Rs. 175. So that you would have under the head of the Veterinary Department two services more or less analogous to the Civil Hospital Assistants and called Assistant Surgeons. By this scheme not only will there be efficient provision made for the treatment of cattle, but we will also open out a useful and fairly remunerative career to educated young men.

"There seems to be some misapprehension in certain quarters with regard to the scope of this Bill, and I am afraid the use of the word 'veterinary' is answerable for it. It seems to be supposed that the term includes only horses. In point of fact it means draught cattle of all sorts, and is always used to include domesticated animals of all kinds. The scope of the school course furnishes a most complete answer to the objections to which this misapprehension has given rise; for a prominent place is given in the curriculum to bovine medicine and surgery. Indeed, the very first year's treatment includes practical instruction in the handling of horses and cattle, the second year being occupied in the study of medicine and surgery and the special diseases of sheep, dogs, elephants, &c., so that the course is an extremely comprehensive one.

"It is proposed that the Select Committee shall meet today after the proceedings of this Council terminate, that the provisions of the Bill will then

be discussed, and that the Bill shall afterwards be circulated for the opinions of District Boards and others, and those opinions will no doubt be received in time to enable them to be laid before the Select Committee when it meets again in July. This course will, I believe, bring about a thorough discussion of all questions connected with this Bill."

The Hon'ble BABU GURU PROSHAD SEN said:—"I hope I shall be excused for referring to a small bit of ancient history in connection with this Bill. My excuse is that this ancient history does not run beyond the memory of man, and in it some of the Hon'ble Members who are assembled here did take an active part. I refer to the Cattle Commission of 1871. That Commission found that the conditions which brought on the cattle diseases in this country and their deterioration were want of fodder and bad fodder, the want of water and bad water, bad housing and bad herding. According to a statement submitted to the Cattle Commission by one of the Hon'ble Members here—the Chief Secretary—the number of cattle in this country is about three-fourths of the population in our villages, that is to say, for about 100 inhabitants we have 75 heads of cattle. Therefore to cope with such a state of things is a formidable matter for which the powers and resources of our District Boards are not equal. The work, I submit, is from its magnitude one of an Imperial character.

"I am glad to be assured that no part of the Road Cess Fund is to be applied towards it. I also hope that this opportunity will be taken to remedy some of the real defects which have been found in the Local Self-Government Act, regarding the franchise and other matters. With these remarks, I am of course glad of the extension of power which it is proposed by this Bill to give to Local Boards."

The Motion was put and agreed to.

THE BENGAL MUNICIPAL ACT, 1884, AMENDMENT BILL.

The Hon'ble MR. RISLEY also introduced the Bill to further amend the Bengal Municipal Act, 1884, and moved that it be read in Council.

The Motion was put and agreed to.

The Bill was read accordingly.

[*Mr. Risley; The President; Babu Guru Proshad Sen.*]

The Hon'ble MR. RISLEY also applied to the President to suspend the Rules of Business for the purpose of moving that the Bill be referred to a Select Committee.

The Hon'ble THE PRESIDENT having declared the Rules suspended—

The Hon'ble MR. RISLEY also moved that the Bill be referred to a Select Committee consisting of the Hon'ble Mr. Grimley, the Hon'ble Mr. Wilkins, the Hon'ble Rai Durga Gati Banerjea Bahadur, the Hon'ble Babu Surendranath Banerjee, the Hon'ble Babu Guru Proshad Sen, and the Mover, with instructions to report in three months.

The Hon'ble BABU GURU PROSHAD SEN said:—"Before I read this Bill I was under the impression that the proposed amendment of section 15 of the Municipal Act was only of a formal character, but I find on reading the Bill as it has been drafted, that a considerable change in the law is intended. Under the law as it stands the power of voting is conferred upon three classes of persons: persons who are members of a joint undivided family one of whom pays a rate of Rs. 3 per annum, and who is in receipt of a salary of Rs. 50 or more; secondly persons who are employed under a registered company paying more than Rs. 100 a year as rates to the municipality, and who are in receipt of a salary of Rs. 50 or more; thirdly persons who are in receipt of a salary of Rs. 50 or more and who occupy holdings paying rates to the amount of Rs. 3 or more. But as this Bill has been drafted, the suffrage appears to be taken away from the 1st and 2nd of these three classes of voters, and it has only retained Class 3 in a very restricted form. I do not know whether it is really intended to take away from these large classes of men the right to vote. If that be the intention, I shall be glad to hear what reason there is for doing so. The Bill does not propose to remove the real defect which exists in section 15 of the Act. Under the rules the suffrage has been extended to persons who pay rates to the amount of Rs. 1-8, but under the Act the right of voting is not given to those who pay less than Rs. 3. The rule has been in existence for some years, and I would be the last person to propose a change in the rule, considering that it will take away the power of voting where it now exists. I therefore propose that the law should be brought into conformity with the rule and the practice. Then, there is another point, namely, the introduction of a rule empowering persons occupying

houses for which they pay rent to the amount of Rs. 20 per annum to vote. I do not find any justification in the law for such a rule. But the rule has been in force for years now, and it will be very hard to take away the power which has been conferred. Therefore, in this matter, too, the Act should be amended so as to be brought into conformity with the rule. There is another defect in the Municipal Act, and advantage should be taken of the present opportunity to remove that defect, namely, that practically no power has been conferred on any person connected with the Municipality to abate a nuisance, and neither a Municipal Commissioner nor their Chairman or Vice-Chairman, nor any responsible officer of the Municipality can arrest an offender even if the nuisance is committed before his own eyes. This is a matter which ought to be considered."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"I have to make a few remarks with reference to what has fallen from my hon'ble friend who has just spoken. First, with reference to a Municipality not having the power to arrest persons committing nuisances. That difficulty has been met—it has been met in the Municipality with which I happen to be connected—by requesting the District Magistrate to invest our Sub-Overseer with the power of arrest. This power has been conferred upon the Sub-Overseer with the result that we now find no difficulty whatever in the matter, and if this has been done in one case, it can be done in others, and it is a difficulty which can be obviated by executive order.

"I understood the Hon'ble Mr. Risley to say that the object of this Bill is to introduce into the electorate a class of men who do not now enjoy the right of voting, namely, the numerous and intelligent class of occupiers of holdings who are in the receipt of salaries of not less than Rs. 50 a month. That, I believe, to be the object of the Bill, and as far as that particular object is concerned, I am perfectly certain that every member of this Council will sympathise with it. I do not see in the Bill any intention to disfranchise those who have now a right to vote. But if the draft Bill in the smallest degree tends to deprive any section of the community of this right, I am quite sure the Hon'ble Mr. Risley will modify the Bill and curtail or enlarge it as may be necessary. The object of the Bill is one which commends itself to every one who has the principles of Local Self-Government at heart. There are a large

number of people who reside in our municipalities, who possess a high degree of intelligence, and ought to be included in the franchise, but, under the existing law, they are not entitled to vote, and what is proposed is, I think, an amendment to which nobody can object.

"As regards the other provision to which my hon'ble friend has referred, namely, that whereas in most of our municipalities the rating qualification is Re. 1-8, the rating qualification in the Municipal Act is Rs. 3, I think it would be an altogether retrograde step to disqualify a large number of people who have been enjoying the franchise for some years under rules which have been framed under, and which are believed to be in keeping with, the terms of the Act. It may be a question as to whether the Act and the rules are in accord, but whatever the case may be, I have no hesitation in saying that any attempt to disturb the existing practice which would disfranchise a large number of people by making the rules conform to what may be deemed to be the strict letter of the law, would create grave dissatisfaction and would be regarded as altogether a retrograde measure."

The Hon'ble MR. RISLEY said:—"There seems to be some misconception on the part of the Hon'ble Member who spoke first as to the law on the subject. I will take the points raised by the Hon'ble Member, as far as I have been able to follow him, in the order in which they were mentioned. First, as to the amendment of section 15 (clause 3). I explained on a former occasion that the great difficulty which has been experienced is due to defective drafting, owing to which it is impossible to know what the clause means. It has really no meaning whatever. But although the clause has no meaning, it is obvious that it had an intention, and that intention is a reasonable one, namely, to confer the franchise on the large and respectable class of persons who draw salaries of Rs. 50 a month or more, and the idea is that such persons are proper persons to exercise the power of voting. That is the intention of the law, and, as I understand it, that intention will be completely carried out by this Bill. As to the alleged inconsistency between the Act and the rules which have been framed under the Act, section 15 (clause 1) provides that every male person who, during the year preceding an election, has paid in respect of the rates imposed under the Act a sum of not less than Rs. 3 shall be entitled to vote. That means that every one who pays rates to the extent of Rs. 3 shall

have a vote. But the earlier part of the section empowers the Government to lay down such rules not inconsistent with the Act as it may think fit in respect of the qualification required to enable a person to vote. While the Act then prescribes a qualification of Rs. 3, the rules passed by the Government, which have been in force since the commencement of the Act, prescribe that every one who pays rates to the extent of Re. 1-8 shall have a vote; so that the rule reduces the qualification far below what is laid down in the Act.

"The rules further introduce—I speak from memory—what I may call a Rs. 20 lodger franchise. The object of this rule is to provide that all persons who, during the municipal year immediately preceding the election, have paid not less than Rs. 20 as rent of a holding assessed to the rate on annual value, shall be entitled to vote. The object is to extend the franchise to certain classes who would not get it under the other qualifications in the rules.

"The hon'ble gentleman's second point is that municipalities have no power to deal effectively with nuisances, the reason being that persons found committing nuisances cannot be arrested on the spot, and they therefore escape punishment. This is a question which was carefully considered by the Select Committee, and a clause was added to section 365 of the Act for the express purpose of dealing with cases of this kind, and that provision we have been told is now in force in the Municipality over which my hon'ble friend Babu Surendranath Banerjee presides, and I understand that it works well."

The Motion was put and agreed to.

THE PROTECTION OF MUHAMMADAN PILGRIMS BILL.

The Hon'ble MR. COTTON moved that the Report of the Select Committee on the Bill to provide for the protection of Muhammadan Pilgrims be taken into consideration in order to the settlement of the clauses of the Bill, and that the clauses of the Bill be considered in the form recommended by the Select Committee. He said:—

"I need trouble the Council with a very few observations on this occasion. The Bill, the Council are aware, is based on the Act for the protection of Muhammadan pilgrims, which is in force in Bombay and Kurrachee, and when it was first presented to you it proceeded on the identical lines of the

[*Mr. Cotton.*]

Bombay Act. In Select Committee it has been re-drafted to a considerable extent, but the principle of the Bombay Act has been adhered to. The Bill has been so modified as to enable it to be extended more easily to other places than Calcutta; it therefore no longer bears the title of a Bill for the protection of Muhammadan pilgrims in Calcutta. It is a Bill which is adapted to Calcutta and to any other station or port in the Presidency of Bengal in which it may be enforced. Then the Select Committee were at some pains to define the word 'Calcutta.' The area within which the law will be in force now comprises 'Calcutta,' as it is defined in the Calcutta Municipal Consolidation Act, and includes the port of Calcutta, an extension which is very necessary in order to enable the Protector of Pilgrims under the Bill to exercise the functions with which the law invests him. The Select Committee also revised the penalties provided under the Act. The Bombay Act authorises the imposition of a fine amounting to a maximum of Rs. 500 for any of the offences enumerated in the Act. It appeared to the Select Committee that this maximum of Rs. 500 was higher than the circumstances of the case practically require, and they unanimously agreed that a maximum fine of Rs. 200 would be sufficient to meet any case which would be likely to arise under this Bill. The maximum has been reduced therefore from Rs. 500 to Rs. 200. We have also authorised the Local Government to make rules to regulate the grant of licenses and to prescribe the conditions to be entered in such licenses. This is a provision which finds no place in the Bombay Act, but it has been deemed expedient that the power should be placed in the hands of the Local Government. The licenses themselves will be granted by the Commissioner of Police. The Local Government will make rules to regulate the grant of the licenses, but the effective administration of the Act is left in the hands of the Commissioner of Police, by whom the licenses will be distributed. There is one important suggestion which the Select Committee considered, but which is not referred to in the Committee's report. It was proposed that the pilgrim brokers should be limited to Muhammadans, in the same way as we provide in the Bill that the Protector of Pilgrims shall be a Muhammadan. But we considered it better to impose no restriction in regard to brokers. Ordinarily no doubt the brokers will be Muhammadans. It is difficult to conceive any other class of persons coming forward to act as brokers for the convenience of their co-religionists. But occasionally, as was

done in the case of Messrs. Thos. Cook and Son, a European firm may come forward and establish itself as brokers under the Act in a large way. And although Messrs. Cook and Son were in the habit of employing Muhammadan servants to carry out their business in connection with the Act, they were undoubtedly brokers within the meaning of the law; and as at any future time either Messrs. Cook and Son or some other firm may be appointed for Calcutta, it was thought inexpedient to exclude such firms or other persons, and therefore there is no limitation imposed on those who may become brokers under the Bill.

"I think there is no other point on which I need trouble the Council. The Committee were unanimous in all their recommendations, and I trust the Council will find no difficulty in accepting the Bill now laid before them."

The Hon'ble MR. M. S. DAS said :—"The object of this Bill, as it has been stated by the Hon'ble Member, is to protect certain Muhammadan pilgrims who start on their pilgrimage from Calcutta from oppression and swindling by a number of unprincipled brokers; and in moving to introduce the Bill, the hon'ble mover said that the pilgrims who now leave from Calcutta, all go by train to Bombay. Of course those who go by train generally buy their tickets at Howrah, and I daresay most of them travel third class, tickets for which are only available at the Howrah station; so that if any swindling or oppression is practised in any large number of cases, it must be done at Howrah, and there will be no jurisdiction in such cases, unless we extend the operation of this Act to Howrah. The hon'ble mover further said that in 1894 no pilgrim left by steamer direct from Calcutta; but looking at the provisions of the Bill, most of which refer to the liabilities and obligations of masters and owners of vessels taking pilgrims from Calcutta, one would be inclined to think that a large number of such persons left by steamer, whereas that practice seems to have fallen into disfavour among these people, and I daresay, with the still greater facilities for travelling to Bombay by rail which will be afforded by the new Bombay-Nagpur line, the number of pilgrims who will go by steamer from Calcutta will grow less. No doubt the Bill reserves power to the Government to extend the Bill to any place it thinks fit, but if the evil in its worst form and greatest magnitude is to be provided against, it will be at Howrah and not in Calcutta, and therefore I think this Bill is not a happy adaptation of means to the end.

"Turning to the provisions of the Bill, I find that the words 'any ship' have been used in section 6, clauses (*b*), (*c*) and (*e*), and also in section 9; and

[*Mr. Das.*]

that in clause (*b*) of section 6 those words are followed by the qualifying clause 'to which the Native Passenger Ships Act applies,' whereas, in other instances, no such qualification follows. This difficulty then arises, namely, whether where the words 'any ship' are not followed by the qualifying clause they are meant to refer to ships to which the Native Passenger Ships Act applies, or to *any ship* whether that Act applies to it or not. If the two expressions have been used indiscriminately as synonyms, I do not think that is permissible under the well-known and well-established rule for the interpretation of Statutes, namely, that when the same words are used differently in different portions of an Act, the inference is that different things are meant by them. The difficulty, I think, can be remedied by introducing into the interpretation clause an interpretation to the effect that the word 'ship' means a ship to which the Native Passenger Ships Act applies. Suppose we mean that, and we import it into section 9 of the Bill, which authorises the Protector of Pilgrims to 'enter and inspect any ship advertised or offering to convey pilgrims from the Port of Calcutta.' Now the Native Passenger Ships Act applies only to ships where a certain number of passengers are carried. It distinctly provides that it shall not apply to any steamship not carrying as passengers more than sixty natives of Asia or Africa. The object of this Bill is to protect poor Muhammadans from being swindled by unprincipled brokers, who trade on the ignorance or simplicity of these pilgrims. In a Bill of this nature it is very proper that immunity from punishment should not depend upon the number of persons who are swindled, and I daresay it is for that reason that the Bill has been so drafted that as soon as a ship offers to take pilgrims, the liability of the master or owner arises. So far so good. But when the qualifying words 'to which the Native Passenger Ships Act applies' are introduced, then it comes to this, that the liability of the owner or master will not arise till a ship offers to carry the number of passengers prescribed in the Native Passenger Ships Act. Consequently, if the master or owner of a ship advertises to take, say, ten passengers, this Bill cannot apply.

"Section 15 of the Bill provides that sections 46, 47 and 49 of the Native Passenger Ships Act shall apply to all offences punishable and fines leviable under this Act. Section 46 of that Act provides the means by which fines may be realised. If a fine is leviable from the owner or master of a ship, it shall be realised by distress and sale of the ship, her tackle, furniture and other things.

[*Mr. Das.*]

But this Bill provides for fines leviable from pilgrim brokers, from the owners, agents, masters and officers of vessels, whereas under section 46 of the Native Passengers Ships Act officers of vessels are not punishable. Now, certainly it could not have been the intention to provide in this Bill that fines leviable from pilgrim brokers should be realised by selling the ship's tackle or furniture.

"Then section 47 of the Native Passenger Ships Act gives jurisdiction for the adjudication of penalties. It provides that the offence shall be deemed to have been committed within the limit of jurisdiction of the Magistrate of the place where the offender is found. The word 'wherever' I suppose includes the whole of India. It is competent to this Council to enact that wherever an offender is found within the territorial limits of the administration of this Government he may be tried by the Magistrate of that place. But to import into this Bill or to incorporate by way of reference a section in an Act which extends to territories beyond the limits of the jurisdiction of this Government, is not justified.

"Then section 49 speaks of the way in which fines when realised may be appropriated.

"I have observed that there is a notice of motion for an amendment with regard to the definition of term 'pilgrim broker' by the introduction of the words 'at a profit.' The words 'buys or re-sells' no doubt cover cases in which the parties are parties to an honest and fair transaction, but the objection will not be entirely removed by the addition of the words 'at a profit;' because the Bill provides for the payment of a commission not exceeding 5 per cent. Suppose a broker buys a number of tickets and gets the 5 per cent. commission which the Bill allows; and then, adding that commission, he re-sells the tickets. That is selling 'at a profit.' Then, suppose the case of a person who has secured first class accommodation for himself; a fellow-passenger wants also to travel first class, but no first-class accommodation is available, and suppose this fellow-passenger buys the ticket from the man who has secured first-class accommodation and pays more than the proper price. The person who sells his ticket 'at a profit' does not swindle, because he foregoes so much comfort, and the man who buys at a higher price does so for his own comfort. It would be a hard case if such a man were held to be a 'pilgrim broker.' Moreover, how could you prove the fact of selling 'at a profit' if there is collusion between the master of the ship and the broker. A person ought to

be styled a 'pilgrim broker' who habitually buys and sells pilgrim tickets. It does not matter whether he makes a profit or not—a thing which it would be very difficult to prove; but where in one single instance a man buys and re-sells, he certainly ought not to be put down as a pilgrim broker.

"Then, section 13 of the Bill might have been omitted, because section 37 of the Native Passenger Ships Act makes similar provision.

"I would suggest to Your Honour that the Bill be referred back to the Select Committee for the consideration of these matters, so that we may not only give protection to the poor men who make pilgrimages, but also guard with sufficient accuracy against the possible contingency of getting any honest man convicted."

The Hon'ble MR. COTTON said:—"Perhaps it will be convenient that I should rise at this stage to reply to the criticisms of the Hon'ble Member for Orissa. The Hon'ble Member's speech appears to me to be characterised by a certain degree of ingenuity, but, if I may say so, by remarkably little practical knowledge of the facts of the case. He evolves the opinion out of his own imagination that Howrah is the place where these pilgrim brokers congregate, and where they ought most of all to be placed under control. This is the first time I have heard that oppression was practised in Howrah. The Government have made very careful enquiries as to where these pilgrim brokers are to be found both from Muhammadan gentlemen who have practical experience of the Haj and also from the Commissioner of Police, and no one has told us that any oppression has been practised at Howrah, or that there is the smallest necessity of extending the Act there. I gather from the observations of the Hon'ble Member that he considers it necessary to place the booking clerks, who sell railway tickets at Howrah, under some special control which ought to be provided by the Act. But it is needless to say that no interference of that kind is required or could be tolerated. As regards the pilgrim brokers themselves, the men are not to be found at Howrah, and that is not the place where the trouble takes place.

"Then the Hon'ble Member made a point of the fact that in recent years almost all the pilgrims go by rail and that a very small number proceed by sea from Calcutta. But what is the reason of that? The reason is that hitherto there has been no adequate protection afforded to pilgrims who wish to go by

sea, and therefore they go by rail. It is hoped that when this Act is passed—and this was the expectation of Messrs. Cook and Son—pilgrims will prefer to go to the Hedjaz by sea, and avoid the route *viâ* Bombay. One of the main objects of the present legislation is to encourage this sea pilgrimage, and that is why we have been so careful to extend the application of the Bill to pilgrims going by sea.

"Then there were certain technical legal objections taken by the Hon'ble Member, the whole of which I am afraid I was not able correctly to follow; but, as far as I understood them, I shall endeavour to reply to them. He took exception to the use of the words 'any ship in section 6 (*b*)' being followed by the words 'to which the Native Passenger Ships Act applies.' It is very necessary, however, that those words should be introduced in that clause, for, if they were not there, the clause would have no meaning at all. That clause applies to brokers who may purchase or sell to any pilgrim a ticket at any time before notice has been given by the master or owner of a ship, under section 7 of the Native Passenger Ships Act, of the time it is proposed the ship should sail; and if in declaring such purchase or sale to be punishable reference is not made to that section, the clause would have no meaning whatever. In other sections and clauses of the Bill where the word 'ship' is used without any qualification, the word is used in its most general meaning, and is not limited to ships to which the Native Passenger Ships Act applies. Accordingly no such limitation is imposed. It appears to require a minimum of common sense to understand why the limitation is not imposed in other sections of the Act; but in the particular clause to which the Hon'ble Member has referred, owing to the terms of the clause itself, the word must refer only to ships to which the Native Passenger Ships Act applies.

"Then there are some points raised by the Hon'ble Member in regard to the definition of 'pilgrim broker,' which appear to be an illustration of the hasty manner which he has applied his attention to the provisions of this Bill. A 'pilgrim broker' is defined to be a person who buys and re-sells or sells on commission, or takes any reward for the purchase or sale of passage tickets, whether by sea or railway, for pilgrims. The Hon'ble Member as I understood him gave an illustration. He said:—'Suppose I have taken a first class passage, and some one else buys the ticket from me and pays me somewhat higher than what I paid for it myself: I have therefore established myself as a pilgrim

broker.' In answer to that I say that the Hon'ble Member in no way becomes a pilgrim broker, unless he bought and re-sold a passage ticket for pilgrims, in which case he would undoubtedly come under the provisions of the Act. The application of the Bill entirely depends upon whether a man buys and re-sells a ticket for pilgrims and not for himself. If the whole of the definition is read, the meaning is clear and is not liable to the criticism which the Hon'ble Member has directed against it.

"Then there is one other point raised by the Hon'ble Member—certain criticism against the application of sections 46, 47 and 49 of the Native Passenger Ships Act to offences punishable and fines leviable under this Act. That section (15) was originally reproduced exactly from the Bombay Act. It has now been altered, as a different law is in force now from that which was in force when the Bombay Act was passed."

The Hon'ble MR. M. S. DAS interposed:—"The Native Passenger Ships Act provides that fines imposed on the owner or master of a ship shall be realised by the sale of the ship's tackle and furniture."

The Hon'ble MR. COTTON continued:—"I think the Hon'ble Member has discovered another mare's nest. Section 12 of the Bill provides a penalty on the master or owner of a vessel for the refusal or omission to give certain information, and the procedure under section 46 of the Native Passenger Ships Act applies to the realisation of fines imposed thereunder. It is also applicable to offences committed by master, owner or agent for which a penalty is provided in other sections of the Bill. It is expedient to enact some procedure which shall be applicable, and we have adopted the same procedure as is followed in Bombay, but it appears unnecessary to explain that a process which is declared by the Native Passenger Ships Act to be applicable to owners and masters only cannot be enforced in cases in which persons other than the master or owner become liable to a fine.

"Before sitting down I wish to say that the learned Advocate-General has drawn my attention to the provisions of section 47 of the Native Passenger Ships Act, and has suggested that it should be made clear in the Bill before us that the jurisdiction for the adjudication of penalties should be limited to Bengal, and in order to give effect to this suggestion, which appears to be a good one, though perhaps not absolutely necessary, I beg, Sir, to move with your

[*Mr. Cotton ; Mr. Womack ; Maulvi Muhammad Yusuf Khan Bahadur.*]

permission that the words 'throughout the territories under the administration of the Lieutenant-Governor of Bengal' be inserted after the words 'shall apply' in section 15 of the Bill."

The Motions that the Report of the Select Committee be taken into consideration in order to the settlement of the clauses of the Bill, and that the clauses of the Bill be considered in the form recommended by the Select Committee were then put and agreed to.

The Motion that the words "throughout the territories under the administration of the Lieutenant-Governor of Bengal" be inserted after the words "shall apply" in section 15 of the Bill was also put and agreed to.

The Hon'ble MR. WOMACK by leave of the Council withdrew the motion that in the second line of clause (*b*) of section 2, after the word "re-sells" the words "at a profit" be inserted.

The Hon'ble MR. COTTON moved that the Bill, as settled in Council, be passed.

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR said:—"I may state for the assurance of the Council that the provisions of this Bill as they now stand have the entire support and approval of the Muhammadan community. I have consulted a large number of my countrymen on the subject, and all those who are likely to be affected by the measure, and are consequently in a position to know best, are unanimous in their opinion that the Bill will work well in practice. There was some doubt in my mind as regards the advisability of retaining clause (*e*) of section 6, and I suggested my doubt to the Hon'ble Member in charge of the Bill, but on further enquiries being made on the subject, it appeared that it was desirable that the clause should be retained. The doubt which was suggested in respect to this clause in my mind was the extremely moderate profit which was secured by it in favour of the pilgrim broker; but when on further enquiry it appeared that the law had worked well in Bombay, and that it was not likely to be attended with any hardship in this place, I was content to withdraw my doubts as regards the provision in question.

"I do not think there is any other provision in the Bill which requires further consideration; and, on the whole, I may say now that this Bill has my entire support, and that as an intending *Hajee*, I have full confidence in the provisions of the Bill, and I am quite sure it will stand me in good stead in the hour of need. I am glad to find that other Hon'ble Members have taken

interest in this measure, which is purely applicable to the Muhammadan community and confined to that community. I have always held the opinion that an Act of the Legislature should be complete in itself, and there should be as few references to other Acts as possible. I am glad that the discussion raised has resulted in some good."

The Motion was put and agreed to.

THE ESTATES' PARTITION BILL.

The Hon'ble MR. FINUCANE introduced the Bill to amend the law relating to the partition of estates, and moved that it be read in Council. He said :—

"I may say at once that the objects of this Bill are (1) to simplify, shorten, and cheapen the procedure for effecting partition of estates, and (2) to impose some limit, below which partition of estates will not be carried out by the Collector.

"I do not propose on the present occasion to trespass on the time of the Council by entering on an elaborate disquisition on the history of this important subject. For the purpose of explaining the principles of this Bill, I need refer but very briefly to the historical aspect of the subject.

"As Hon'ble Members are aware, when the right of property in the soil was explicitly declared, by the Regulations of the Permanent Settlement, to be vested in the zamindars of Bengal, it was also declared that they might dispose of the whole or any portion of their properties in any way they thought fit. But as every acre of the land was hypothecated to Government for revenue, it necessarily followed that the right of transferring by sale and gift, dividing, or otherwise disposing of their properties, then declared to be vested in the zamindars, was not absolute and unconditional, but subject to the paramount consideration of the security of the Government revenue.

"Hence we find that on the very day on which the Permanent Settlement Regulation I of 1793 was passed, Regulations were also enacted for the purpose of enabling proprietors to apply to the Collector for partition of their estates, and rules were prescribed for carrying out such partitions.

"These rules were contained in Regulations VIII and XXV of 1793.

[*Mr. Finucane.*]

"The Permanent Settlement was in many cases concluded for large estates or tracts of land. Sometimes whole parganas consisting of several mahals were included under one engagement for the payment of a certain amount of revenue, and all the lands so included were held jointly liable for the payment of that revenue.

"With such large estates it was deemed desirable to give every facility for subdivision of them and for enabling the co-proprietors to separate their interests and their liability for the State revenue.

"It was soon found, however, that the unrestricted subdivision of estates and separation of financial responsibility was being carried on to an extent that was thought to be dangerous to the security of the revenue, and a Regulation was therefore passed in 1807 on the unanimous suggestion of the Board of Revenue (Regulation VI of that year) enacting that no partition should be allowed which would have the effect of creating a new estate with a *sadar jama* of less than Rs. 500. The preamble to this Regulation, to which I would invite the attention of the Council, runs thus:—

'Whereas under the provisions contained in Regulations I and XXV of 1793 persons holding shares of estates paying revenue to Government are entitled to a separation of such shares; and on the completion of the *batwara* by the officers of Government, and on the confirmation of it by the Governor General in Council, to hold the same as distinct mahals, subject to the just proportion of the public assessment; and whereas considerable loss and inconvenience have been experienced in the collection of the public revenue from the too minute subdivision of landed property.'

"Then followed the enactment that estates might be divided down to a *jama* of five hundred rupees.

"The restriction imposed by the Regulation of 1807 did not remain in force long. Regulation V of 1810 removed it and allowed partitions to be made of estates, however small. The Regulation of 1810 was passed in accordance with the views of one new Member of the Board of Revenue of the time, but in opposition to the views of the other two Senior Members, who strongly protested against the removal of the restrictions of 1807, and expressed their apprehension of the occurrence of the evils likely to result from such removal, which have in fact since occurred. The reasons for removing the restriction imposed by Regulation VI of 1807 were stated in the preamble to Regulation V of 1810, thus:—

'Experience having shown that the existing rules for the division of landed property paying revenue to Government are in many respects defective; inasmuch as they do not sufficiently provide against the artificial delays and impediments which are frequently thrown in the way of the process of the division by

some one or more of the parties concerned, who may be interested in so doing; or, (as often happens) by the officer employed in conducting the details of that process; nor effectually secure Government from the loss resulting from fraudulent and collusive allotments of the public revenue on the shares of estates when divided; and there being moreover reason to believe, that the restriction which has been laid on the partition of small estates by Regulation VI of 1807, has been and is the cause of considerable injury to numbers of individual sharers in such estates; thereby inducing a sacrifice of private rights, which the degree of public inconvenience arising from the minute division of landed property does not appear to be of sufficient magnitude to justify or require: with a view therefore to remedy these defects, to expedite the division of landed property paying revenue to Government, when duly authorized by the provisions of Regulations I and XXV of 1793, and their corresponding Regulations for Benares, and for the ceded and conquered Provinces; with due regard to the permanent security of the public revenue, whatever be the amount thereof, and to obviate the injury to which individual sharers are liable in the case of a joint estate being brought to sale for balances which may have arisen from the default of their coparceners during the interval while the process of division is pending, the following rules have been enacted.'

"I need not weary the Council with a detailed narrative of the history of the Law on Partitions from 1810 down to the present time. The different Rules and Regulations on the subject were consolidated in Regulation XIX of 1814, which, with slight modifications, continued in force till the present Bengal Council Act VIII of 1876 was passed.

"But I have to notice that in 1875 the Hon'ble Mr. Dampier, then Senior Member of the Board of Revenue, introduced a Bill in this Council for the amendment of the Partition Law. In the course of the discussions that took place in Council in connection with that Bill, the inconvenience to the Administration and the injury to private interests that had arisen from the unrestricted partition of estates were pointed out and admitted. It was provided in Mr. Dampier's Bill, as it came from the Select Committee, that no partition should be made which would result in the formation of a separate estate, liable for a revenue of less than Rs. 20, unless the proprietor agreed to redeem the revenue. This provision was unanimously accepted by the Council of that time, containing as it did among its members such authorities as the Hon'ble the Advocate-General, Sir Charles Paul, and the Hon'ble Kristodas Pal and Maharaja Doorga Charn Law. The Bill of 1875 was passed unanimously by the Bengal Council on the 8th April, 1876, but it was vetoed by the Government of India on the ground that the proposal to redeem the Government revenue in the case of estates having a revenue of less than Rs. 20 was opposed to the financial interests of the country, for it was thought that if such redemption were allowed a time might conceivably come when all Bengal would become revenue-free.

"*Mr. Dampier's Bill* having been vetoed by the Government of India, another Bill was introduced in August of 1876, which imposed no restriction on partitions except this, that when a new estate was created with a *sadar jama* of not more than one rupee, the proprietor was bound to redeem the revenue by paying its capitalised value in a lump sum. This Bill was passed, and became the present Act VIII (B.C.) of 1876.

"The point to which I would invite the attention of the Council, and the inference which I think may be fairly drawn from the foregoing sketch of the history of the law on this subject, is, that the right of Government to impose restrictions on what are elsewhere called perfect partitions, or in other words, on the divisibility of responsibility of estates to Government for land revenue, was never questioned down to 1876, and was expressly asserted by the unanimous vote of this Council agreeing to Mr. Dampier's Bill of 1875. The object of the Act of 1876 was to shorten, simplify and cheapen the procedure for effecting partitions. The Hon'ble Member (Mr. Reynolds) in charge of the Bill of 1876 said in the course of the debates on it that there might be inconveniences connected with the multiplication of petty estates, but it had always been conceded that landed proprietors had a right to have their estates divided if they chose to demand partition, and the Government did not consider that the right should be abrogated or denied to them. It may be remarked, however, that Mr. Reynolds afterwards withdrew his opinion on these points.

"The question of the amendment of the law came before this Council again in 1884, when it was proposed to impose a limit of Rs. 10, below which partitions were not to be allowed to proceed. A question was then raised, for the first time, by the Hon'ble Harbuns Sahai, of the right of Government, under the terms of the Permanent Settlement, to impose any such limit. The Bill was withdrawn, partly because it aroused a strong feeling of opposition, and partly because it was thought that the relief sought to be given by it would, to some extent, be afforded by the provisions of the Tenancy Bill, which would, it was supposed, simplify the carrying out of partitions.

"I now come to the present Bill. It cannot be denied that the Act of 1876 has to some degree succeeded in attaining the objects which it was designed to effect, but experience has shown it to be defective in many respects; while new light has, since the passing of the Tenancy Act, been thrown on the evils

[*Mr. Finucane.*]

attendant on partition proceedings which were before unknown. The object of the present Bill is to apply a remedy to these defects and guard against the continuance or recurrence of the evils referred to. The Board of Revenue, after consulting local officers, drew the attention of Government in 1890 to the inconvenience and expense to which proprietors were subjected by partition proceedings under the present law, and reported that though they had by executive orders and various expedients endeavoured to check delays and reduce expenditure, no substantial improvement could be expected without a change in the law. The Bill is the outcome of discussions that have since taken place. One of the principal changes proposed with a view to shorten proceedings and reduce expenses is to do away with what is called the 'general arrangement' as a distinct stage. The retention of the general arrangement has only the effect of multiplying objections and appeals, thus delaying the proceedings.

"Another defect in the present law is that it allows objections and appeals at all stages which not only cause much delay, but swell the costs enormously. It is proposed to remedy this defect by concentrating at one stage objections and appeals which can be taken up at that stage without detriment to the parties, while the costs will thereby be much reduced. Another defect in the present law is that it provides no adequate procedure for carrying out measurements and ascertaining the amount of the existing rents or assets on which the partitions are to be based. The result is that amins dawdle over these measurements for years, fomenting disputes in the villages, thus increasing the expenses.

"It is proposed to apply a remedy to this latter defect by providing that if a previous survey has been made, or the parties themselves file measurement papers admitted to be correct, the Deputy Collector may, after testing their correctness, accept them as the basis of partition without a fresh survey, and that where a survey is necessary, it shall be made and a record of existing rents and rights prepared, under proper supervision and control at a moderate expense and with sufficient legal sanction. It is not proposed to empower the Deputy Collector to alter existing rents. The main object of the Bill is then to afford relief to the proprietors in these ways, but the opportunity has been taken to effect improvements in the law in other respects which will, it is hoped, be beneficial to their tenants also and to the general tax-payer.

[*Mr. Finucane.*]

"I cannot explain its objects and reasons without trespassing to an intolerable length on the time of the Council better than by reading, with the permission of His Honour the President, extracts from the Statement of Objects and Reasons. They run thus:—

'The primary and chief object of this Bill is to simplify, cheapen and shorten the procedure for effecting partitions of estates in Bengal. The present law for the partition of estates, which is contained in the Partition Act, VIII (B.C.) of 1876, has been found by experience to be defective, in that it allows excessive and unnecessary opportunities for making objections and delays at almost every stage of the proceedings. Parties who wish to obstruct the partition take advantage of these opportunities to such an extent that partition proceedings are protracted to an intolerable length, and are excessively expensive and harassing to the proprietor applicants, who, when entitled to partitions, should have the means of getting them effected within a reasonable limit of time and at a moderate expenditure. The protraction of partition proceedings is also a source of irritation, harassment, and injury to the tenants of estates under partition; for, though under the present law the tenants are not bound by anything entered in the partition papers, it has been found, as a fact, that partition proceedings have been abused for the purpose of effecting illegal and inequitable enhancements of rent. The Bill aims at applying a remedy to these evils—(1) by defining and limiting the stages of the proceedings at which objections and appeals may be made, without, at the same time, taking away or curtailing the right itself to make objections or urge appeals at the proper time; (2) by providing for the making of a survey and the preparation of a record of rights and existing rents unless a previous measurement has been made, or the proprietors themselves file measurement papers admitted to be correct, so that there may be an authoritative finding on the assets on which the partition is to be based, and that all parties concerned, including the tenants, may have an opportunity of knowing what is being recorded relating to them and of urging objections, if they have any.

'The delay, expense and harassment caused by partition proceedings under the present law, and consequent necessity for amending the law, are illustrated by the following facts:—The average duration of these proceedings at present is not less than 3½ years, and there are some cases which were instituted more than 20 years ago (*i.e.*, before the present Act was passed), but up to date are not completed. The average cost of partition proceedings under the present law is about 8 annas an acre, and in some districts the expenditure has amounted to from Re. 1 to Re. 1-7 per acre.

'The injury that is done to tenants under the present law is illustrated by the facts that some estates in Bihar in which a survey was made, a record of rights prepared, and authoritative rentals recorded under Chapter X of the Tenancy Act in 1886, came under partition a few years later; that rents were recorded by the Partition Deputy Collector in the partition proceedings according to the statements of the proprietors, behind the backs of the tenants, and that the rents so recorded were two to three times the true rents entered in the

settlement record of 1886. What occurred in the estates referred to, where the facts were susceptible of ascertainment, is what is believed to occur also in other estates under partition where there are no means of knowing what the real rental is. It is true that the rents recorded in the partition proceedings did not in law bind the tenants, but it is known as a fact that the entry of exaggerated and fictitious rentals, in this way, in partition proceedings, behind the tenants, has in some cases been accepted by the tenants themselves out of Court, as imposing on them liability to pay such fictitious rents, and in others, that the separate proprietors immediately after partition proceeded to enhance rents illegally. The result is that there is no more fertile source of arbitrary and illegal enhancements of rent in Bihar than petty partitions as now conducted. The Bill seeks to remedy this evil by providing for an authoritative record of existing rents and rights, save when the landlords file measurement papers admitted to be correct, and also by providing that the rents as stated by them in such measurement papers shall be explained to, and their correctness attested in presence of, the tenants.

'A secondary, but still very important, object of this Bill is to impose some limit on the endless divisibility of responsibility for land revenue to the State allowed under the present law.

'Under the law as it stands, the only restriction on the creation of petty estates is that contained in section 11 of Act VIII (B. C.) of 1876, which directs that no partition shall be carried out if the separate estate of any of the proprietors would be liable for an annual revenue of not more than one rupee, until the proprietor of that separate estate agrees to redeem the revenue assessed upon it. The result is that the multiplication of petty estates entered in the Collector's registers has in some districts gone on to such an extent that it is believed to be likely to become dangerous to the security of public revenue. In the Muzaffarpur and Darbhanga districts the number of separate estates borne on the Collector's revenue-roll increased from 5,186 in 1850-51 to 13,432 in 1871-72, and in 1892-93 was no less than 30,477, the increase thus being six-fold in 40 years; and this though these districts contain large zamindaries of great proprietors which are not subjected to partition. In these districts, too, arbitrary and illegal enhancements of rents have, by means of partitions, been effected to an excessive degree.

'This divisibility and great multiplication of estates is believed to be bad for the proprietors and bad for their tenants, besides being dangerous to the public revenue, and imposing an unnecessary amount of labour and expense on the administration, without any proportionate benefit to anybody.

'It is bad for the proprietors, because it tends to foster the creation and growth of an infinite number of petty pauper landlords, who not being themselves able to cultivate the lands of their microscopically small estates (since there are tenants already on the lands whom they cannot legally eject) are driven to screw up rents, and quarrel with their tenants and landlord neighbours, and thus bring discredit on their class. It, moreover, involves

waste of time and labour from the proprietor's point of view, as the separate management of several petty estates must necessarily cause more trouble and expense than the joint management of the parent estate.

'The unrestricted multiplication of petty estates is obviously bad for the tenants; for, apart from the inevitable tendency of a peasant landlord to be a bad landlord, who from necessity must endeavour to illegally rack-rent or eject the tenants in occupation, it is also to be remembered that a tenant who, according to the terms of his original tenancy, had only to deal with one landlord or one representative of all the co-sharers, and to pay his rent at one place, keeping one set of accounts, may and does become, without his consent, bound, after a partition is made, to pay rent in several different places, to keep several different sets of accounts, and to deal with several different landlords, each and every one of whom may sue him separately for rent, or distrain his crops, or sue him for ejectment, or do separately any act adverse to the tenant's interests authorised by law, which before partition the proprietors must have all agreed upon (under section 188 of the Tenancy Act) before any action could be taken.

'It is clear for these reasons that the infinite partibility and multiplication of estates is injurious to the interests of the tenants.

'Lastly, these petty partitions impose on the administration an amount of labour in effecting them and subsequent expense altogether incommensurate with any advantage accruing from them. Multiplication of estates means multiplication of boundary disputes of disputes between landlord and tenant, more riots, more criminal cases, more civil suits, great multiplication of accounts and processes for collection of the land revenue, and greater multiplication of accounts and processes for collection of road cess and other public demands, and consequently multiplication of establishments which will for all time have to be paid by the general tax-payer, and not alone by applicant proprietors.

'For these reasons it is thought desirable in the interests of the proprietors, their tenants and the general public, that some restriction should be put on the partibility of estates to be borne as separate units in the Collector's revenue-rolls. The restriction proposed in section 10 of the Bill is, that partition shall be refused if the separate estate of any of the proprietors would be liable for an annual amount of land revenue not exceeding Rs. 100. The particular limit of Rs. 100 is put forward tentatively, and may be too high. Some of the facts above stated suggest the desirability of imposing an absolute prohibition on the subdivision of estates below a certain limit. But it is not thought necessary to go so far. The limit proposed only affects the separation of responsibility for payment of Government revenue, and does not affect the right of proprietors to dispose of the whole or any portion of their estates as they think fit, or their right to obtain separate possession of any portion thereof. It is expressly provided that any Civil Court which has made a decree for partition or for the separate possession of a share of an undivided estate paying revenue to Govern-

[*Mr. Finucane.*]

ment may execute such decree, in the same manner and subject to the same conditions as in the case of a revenue-free estate, but the joint and several liability of the entire estate is not thereby to be affected, unless such partition is made or separate possession given by the Collector under this Bill.

'An objection that may, with some apparent show of reason, be urged against the proposals of section 10 is that, if the power of partition is withdrawn from petty proprietors, they will be placed at the mercy of their more wealthy co-sharers and neighbours, but the force of it is nullified by the facts that small co-sharers are protected by the proviso to the same section, and that they can protect themselves otherwise by opening separate accounts or by applying for the appointment of a common manager under section 93 of the Tenancy Act. Whatever risk of hardship to petty co-sharers there may be under the Bill, if there be any, it is as nothing compared to the injury to proprietors and raiyats and to the general tax-payer that is being now, and in a greater degree in the future is likely to be, caused by the microscopic subdivision of estates.'

"The Bill is in the hands of Hon'ble Members, and statistics and papers will be circulated with it which, it is believed, will satisfy them of the correctness of the assertions of fact made in the extracts which have been read.

"Assuming the facts to be as stated, it will, I hope, be agreed that enough has been said to warrant me in asking for permission to have the Bill read in Council.

"As regards the Bill itself, I may explain that the question of amending the Partition law has been under discussion for the past five years, and the Bill is the outcome of those discussions.

"It was submitted by Sir Charles Elliott substantially in its present shape to the Government of India, and was approved by that Government. It may be, and no doubt is, susceptible of improvement. There is no desire to rush this Bill.

"On the contrary, the object of Government in now having it introduced in Council is to permit of its being circulated, and of inviting during the next four months the criticisms and opinions of Public Associations, private individuals, and Government officers.

"Such criticisms will be welcomed and carefully considered, and it is hoped, when the Bill finally comes before Council after such modifications by the Select Committee as opinions and criticisms may suggest, that it will be

accepted by the Council as being beneficial to the proprietors themselves, their tenants and the general tax-payer."

The Motion was put and agreed to.

The Bill was read accordingly.

The Hon'ble MR. FINUCANE also applied to the President to suspend the Rules of Business for the purpose of moving that the Bill be circulated for opinion.

The Hon'ble THE PRESIDENT having declared the Rules suspended—

The Hon'ble MR. FINUCANE moved that the Bill be circulated for the purpose of eliciting opinion thereon.

The Motion was put and agreed to.

The Council adjourned *sine die.*

CALCUTTA;
The 4th May, 1896.

F. G. WIGLEY,
Offg. Assistant Secretary to the Govt. of Bengal,
Legislative Department.

Reg No. 118G—300—6-5-96.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892.

The Council met at the Council Chamber on Saturday, the 11th July, 1896.

Present:

The Hon'ble W. H. GRIMLEY, *presiding.*
The Hon'ble J. PRATT.
The Hon'ble C. E. BUCKLAND, C.I.E.
The Hon'ble H. H. RISLEY, C.I.E.
The Hon'ble M. FINUCANE.
The Hon'ble J. G. H. GLASS, C.I.E.
The Hon'ble RAI DURGA GATI BANERJEA BAHADUR, C.I.E.
The Hon'ble NAWAB SYUD AMEER HOSSEIN, C.I.E.
The Hon'ble SURENDRANATH BANERJEE.
The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR.
The Hon'ble A. M. BOSE.
The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR.
The Hon'ble GURU PROSHAD SEN.
The Hon'ble W. B. GLADSTONE.
The Hon'ble M. S. DAS.

NEW MEMBERS.

The Hon'ble MR. J. PRATT and the Hon'ble MR. J. G. H. GLASS took their seats in Council.

STATEMENT OF BUSINESS.

The Hon'ble THE PRESIDENT said:—"Gentlemen, the list of business that demands the exercise of your legislative faculties to-day is certainly not large, and, whether judged by its length or the importance of the subjects, it seems *à priori* hardly sufficient to justify the summons which has drawn you away from your ordinary pursuits to this Council Chamber. It consists, as you will perceive, of mere formalities; but though the motions to be brought forward are of a purely formal nature, they are absolutely necessary

by the rules which guide our proceedings, in order to smooth the way for the enactment, later on, of those measures to which they refer. It is a fortunate circumstance that the work before us is of this light description, seeing that His Honour the Lieutenant-Governor, who presides over our debates, is unable to be present on this occasion, and that we are also deprived of the assistance of several other members of this Council, including the Hon'ble the Advocate-General, who watches over our proceedings and keeps them from wandering off the legal track. It is perhaps well, then, that all disputatious points, all contentious questions, and all that is comprehended under the term 'the weightier matters of the law,' should be reserved for the forensic skill of the learned Advocate-General, while we ourselves should accept with a thankful heart the small measure of anise and cummin that forms our frugal portion to-day. It is a different story when we come to the formidable array of questions prepared for us. They are of wide range, varying interest, and of greater or less importance, and I rejoice that it does not devolve on me to frame replies, though the first question relating to river sanitation is one that would naturally interest me as a former magistrate of the riparian districts concerned, and I have a presentiment that it is a sort of question that may at any time come home to me as Chairman of the Sanitary Board. At any rate it is a question of extreme difficulty, and involves important issues. The rest of the paper consists of no less than seventeen problems, with many riders attached, and were I to attempt to solve them I should most assuredly be plucked; but I have no doubt that my hon'ble friends Mr. Risley and Mr. Finucane, upon whom all difficulties sit so lightly, will be able to completely satisfy the examiners."

POLLUTION OF THE RIVER-WATER.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(*a*) Whether the attention of the Government has been called to the complaints which have appeared in the Newspapers regarding the pollution of the river-water by the discharge of objectionable matter into the river by the Mills on both banks of the river?

(*b*) Is the Government aware that Dr. Simpson, the Health Officer of Calcutta, reported on the 12th June, 1894:—"This is a matter I think that should be taken up by the Bengal Government or the Sanitary Commissioner who

[*Babu Surendranath Banerjee ; Rai Eshan Chundra Mittra Bahadur.*]

should prevent pollution of the river. The drainage of such objectionable matter ought not to be allowed": and that again on the 12th September, 1894, Dr. Simpson reported as follows:—

"I take it that the river is used, because it is a simpler and cheaper mode of disposal of the waste matter of the Mills than the construction of proper drains and the purification of lands in their own districts ; and if one or two Mills are to be allowed this privilege, it is difficult to know on what grounds other Mills may be disallowed, and there can be no doubt that such a multiplication would be at the expense of the public health of all the inhabitants who may have to take their drinking water from what must ultimately become, notwithstanding the volume of the water, a most potent cause of ill-health."

(*c*) Whether in view of this expression of opinion by the Health Officer of Calcutta, and of a similar expression of opinion by Dr. Mahendralal Sircar on the *Calcutta Journal of Medicine* for March, 1896, and having regard to the fact that the riparian municipalities on both sides of the river, which largely make use of the river water for drinking purposes, suffered severely from the recent outbreak of cholera, the Government will be pleased to consider the propriety of taking necessary steps to prevent the pollution of the river by the discharge of sewage into it from the Mills.

(*d*) Will the Government be pleased to lay on the table a statement showing the factories lying on both banks of the river, the factories which have been built since September, 1894, the date of the last report of the Health Officer quoted above, the industry carried on in each, the arrangements existing in each factory for the disposal of its refuse, both liquid and solid, and complaints, if any, that have been made in regard to them.

The Hon'ble Rai Eshan Chundra Mittra Bahadur asked—

Will the Government be pleased to lay on the table all the papers in connection with the abandonment of the proposal for a special legislation to put an end to the pollution of the water of the river Hooghly by the discharge of noxious matter from certain Mills (*vide* page 18 of the Administration Report of Bengal for the year 1894-95).

(*a*) Will the Government be pleased to state if the opinion of the Sanitary Commissioners or of other competent medical authorities was taken on the subject?

[*Rai Eshan Chundra Mittra Bahadur; Mr. Risley; Babu Surendranath Banerjee; Mr. Finucane.*]

(*b*) If that was not done, will the Government, in view of the general alarm caused by the recurrence of cholera year after year in the riparian municipalities of Calcutta, Howrah, Serampore, Hooghly and Naihaty, &c., and attributed as due, in a great measure, to the aforesaid pollution of the water, appoint a Commission consisting of competent official and non-official medical authorities to enquire and report on the matter?

The Hon'ble MR. RISLEY replied:—

"In reply to the questions asked by the Hon'ble Babu Surendranath Banerjee and the Hon'ble Rai Eshan Chundra Mittra Bahadur regarding the pollution of the river Hooghly, I have the honour to lay on the table a collection of the correspondence on the subject which is still proceeding, and to say that the question, which is one of considerable difficulty, particularly in view of the provisions of the English law in regard to the pollution of rivers, will be referred to the Sanitary Board for opinion."

INSPECTOR-GENERALSHIP OF REGISTRATION.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Whether the attention of the Government has been called to a statement which has appeared in the public press, to the effect that it is under contemplation to abolish the office of Inspector-General of Registration on the retirement of the present incumbent, and to amalgamate it with the office of Director of Land Records, which is held by a covenanted officer, the pay of the latter office being raised, upon the amalgamation taking place, from Rs. 1,800 a month to Rs. 2,250 a month, the pay of a first grade Magistrate-Collector? Is there any foundation for this statement?

The Hon'ble MR. FINUCANE replied:—

"No such step is in contemplation."

FLOGGING OF TWO YOUNG CHIEFS OF ORISSA.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Whether the attention of the Government has been called to a statement which has appeared in the public press, to the effect that Mr. Hallward,

the Principal of the Cuttack College, caused two young Chiefs of Orissa, the Rajkumars of Narsingpur and Pal Lehara, to be flogged, because on the preceding evening they had neglected to *salaam* him when the Principal was playing golf at the Cuttack maidan? Is there any truth in this allegation? If so, what orders have been passed by the Government regarding the conduct of the Principal? If the above allegation is true, does the Government consider Mr. Hallward to be a fit person to remain in charge of a College like the Cuttack College? Will the Government be pleased to lay on the table all the papers in connection with this matter.

The Hon'ble MR. A. M. BOSE asked—

Has the attention of the Government been drawn to the statements in the Newspapers about the flogging of two young Chiefs, who were students in the Ravenshaw Collegiate School, under the orders of the Principal for the alleged offence of not having *salaamed* him when they were out riding the previous afternoon? Is it the fact that no enquiry of any description was held previous to the flogging being inflicted, and that it was of a severe character and not administered in the way of school discipline? Is there any truth in the statement that, with the sanction of the Commissioner of the Division, almost all the minor Chiefs of the Tributary State, including the two Chiefs referred to above, have been withdrawn from the school in consequence of this proceeding on the part of the Principal? Will the Government be pleased to communicate the result of any enquiry which it may have held into the matter, or to order one if none has been held? Does it approve of the conduct of the Principal, and if not, what notice does the Government propose to take of it?

The Hon'ble MR. FINUCANE replied:—

"The Lieutenant-Governor has already dealt adequately with the case as a matter of departmental discipline, and declines to lay the papers on the table."

SUBJECTS FOR GOVERNMENT AND UNIVERSITY EXAMINATIONS.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Will the Government be pleased to lay on the table a list of subjects prescribed for the various examinations from the Lower Primary to the B. A.

[*Babu Surendranath Banerjee ; Mr. Finucane.*]

Examination with the books prescribed for each in 1895-96, together with the prices of these books, the number of pages which each book contains, and the number of pages which the students are required to read. Having regard to the multiplicity of books and subjects, does not the Government consider that quality is being sacrificed to quantity with serious injury to the best interests of the rising generation? If so, will the Government be pleased to take such steps as to the Government may seem fit with a view to reduce the number of subjects and books, and fix them for a definite period at least, as the frequent change of books is a serious hardship to poor students in this country.

The Hon'ble MR. FINUCANE replied:—

"The Statement asked for by the Hon'ble Member is laid on the table.

"The courses and standards for the higher examinations named in the question, namely, those from the Entrance to the B. A., are settled by the University, and are in no way under the control of this Government.

"As regards those examinations which are under the Lieutenant-Governor's control, the standards fixed for them have been before the public for many years; and no complaint has reached the Government that they are open to objection either in the extent of the course or in the cost of the necessary books. The number of pupils in all classes of schools, from the lower primary to the middle, goes on steadily increasing. Having regard especially to the reductions that have recently been made in the middle scholarship course, the Lieutenant-Governor, from the information at his command, is not prepared to say that, in the prescribed courses, quality is being sacrificed to quantity with serious injury to the best interests of the rising generation.

"The books are read during a two years' course; and, in so far as they are fixed by the Department, they are changed, either wholly or partially, from year to year, so as to encourage meritorious authors and text-books, and to avoid anything like a monopoly. The frequent change of books involves no hardship to students, unless they happen to fail at a particular examination, and have to take up a new text-book in literature for the following year."

STATEMENT in connection with the Answer to the last preceding Question of the Hon'ble BABU SURENDRANATH BANERJEE.

[*Unless otherwise stated, the whole of the prescribed text-book is to be read.*]

I.- For the Lower Primary Examination the only text-books prescribed are (1) *Nutan Pa'h* (the new Reader substituted for *Bodhoday*), 75 pages, price 3 annas; and (2) one of two alternative books on Sanitation, 40-42 pages, price 1 anna each. The remaining subjects of the course are—

Arithmetic (first four rules).
Subhankari
Mental Arithmetic, European and Native.
Zamindari accounts and easy mensuration.
Hand-writing, and reading of manuscript.

These are the subjects of the old pathsala course. There are many cheap text-books covering the whole ground; but the teachers are generally enjoined to teach the subjects without putting text-books into the hands of the boys.

II.—For the Upper Primary Examination each Inspector used to select for his own circle the text-books in language, and sometimes in other subjects; with the exception of certain text-books in History and Sanitation, which were fixed by the Government. The subjects and text-books for the Presidency Division in 1895-96 were the following:—

Bengali Language—

Charitastak, 100 pages, 6 annas, *or*
Pratham Niti Pustak, 87 pages, 4 annas, *or*
Suniti Sandarbha, 111 pages, 6 annas, and
Kabitamanjari, 67 pages, 4 annas.

Bengali Grammar—

Pratham Siksha, 32 pages, 1½ annas, or similar books, price 2 to 3 annas.

History of Bengal.—(Permanent) 96 pages, 4 annas.

Geography of Bengal—

Dinanath Sen's book, 65 pages, 6 annas, *or*
Pratham Siksha Bhugol, 32 pages, 1½ annas, *or*
Bhugol Sutra, 56 pages, 2½ annas.

Arithmetic.—Any one of six books named, price from 8 annas to Re. 1-4.

Subhankari.—Any one of six books named, price 4 to 8 annas each.

Geometry.—Euclid, Book I, to 26th proposition, price 6 annas.

Mensuration.—Any one of six books named, price 2 to 6 annas each.

Physics.—Any one of three books, price 3 to 4 annas, *or*

Agriculture.—Any one of three books, price 4 to 6 annas.

Sanitation—

(Permanent.)

The Way to Health, 102 pages, 1 anna.

Swasthya Siksha, 92 pages, 4 annas.

For 1896-97 no text-books are named, except those in the Bengali language, the History of Bengal and Sanitation.

III.—For the Middle Vernacular Examination no text-books are prescribed, except in Vernacular language (by the Department) and in Sanitation (by the Government). In selecting text-books in the Vernacular language, Bengal Proper is divided into two portions, with different text-books for each. Those prescribed in 1895-96 for the Presidency Circle and the Burdwan Division were—

Charupath, Part III, 170 pages, 10 annas.

Padyaprakash, Part III, 132 pages, 6 annas.

In Sanitation there is one permanent text-book, 147 pages, 6 annas.

The other subjects were—

History, Indian and Foreign.
Geography, General and Physical.
Arithmetic, Native and European.
Euclid, Book I.
Mensuration.
Physics, *or* Botany or Chemistry.

No text-books were prescribed in these subjects; but managers of schools were at liberty to choose their own books from the authorised list of text-books for middle schools.

IV.—The course for the Middle English is the same as that for the Middle Vernacular Examination, with the addition of English as a language. The text-book in English for 1895-96 was—

[*Babu Surendranath Banerjee; Mr. Finucane.*]

Lethbridge's Easy Selections, 303 pages (103 read), Re. 1-2.

English Grammar—No text-book prescribed.

For the examinations (Middle English and Middle Vernacular) of 1897 and subsequent years, the course has been considerably reduced by lessening the amount of literature; by the omission of foreign history, of one of the books on sanitation, and of botany and chemistry; and by reductions in other subjects.

PUBLIC ENDOWMENTS IN BENGAL.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Will the Government be pleased to lay the following information on the table in connection with endowments of a public character, religious or otherwise, in these Provinces, after making such enquiries as the Government may think fit:—

(1) Names of the endowments and shrines; (2) their character; (3) the districts in which they are situated; (4) the average income of each from invested property during the last three years; (5) the average income of each from offerings and other sources during the same period; (6) total income; (7) average expenditure during the last three years in the *bonâ fide* service of the shrine or in fulfilment of the objects of the endowment; (8) average personal expenditure during the same period of the trustee; (9) savings up to date to the credit of the trust fund; (10) character, qualifications, and mode of living of his predecessors; (12) original strength of the Committee constituted under section VII of Act XX of 1863; (13) their present strength; (14) number of meetings held by them during the last five years; (15) how often the accounts and receipts of disbursements of the trustee were inspected by them during that period, under section 13 of the Act; (16) how many years accounts of such receipts and disbursements can now be produced by them; (17) whether in the opinion of the District Officer the trustee is making a proper use of the trust funds, and is fit for his place.

The Hon'ble MR. FINUCANE replied:—

"The Government cannot undertake to collect the information or make the enquiries desired by the Hon'ble Member."

[*Babu Surendranath Banerjee; Mr. Risley; Rai Eshan Chundra Mittra Bahadur.*]

CIRCULAR ORDER REGARDING EXCISE CASES IN SARAN.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Whether the attention of the Government has been called to a statement which has appeared in the *Behar Herald* of the 27th June last, to the effect that a Circular Order has been issued by the Magistrate of Saran, addressed to all Deputy Magistrates under him, drawing their attention to the leniency with which excise cases are treated by them and urging them to inflict exemplary punishment on the parties concerned? Is there any truth in this statement? If so, whether the Government will be pleased to direct the withdrawal of the Circular as interfering with the Judicial discretion of Magistrates subordinate to the District Magistrate of Saran?

Is it the case that this officer, who has been placed in charge of such an important district as Saran, is only of four years' standing? If so, will the Government be pleased to devise measures to prevent comparatively young officers being placed in responsible charge of important districts?

The Hon'ble MR. RISLEY replied:—

"The reply will be given hereafter when the result of certain enquiries now being made is known."

JURY COMMISSION'S REPORT.

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR asked—

With reference to the Report of the Jury Commission, paragraphs 39 and 40, Supplement to the *Calcutta Gazette*, page 686 of the year 1893, will the Government be pleased to state what enquiries, if any, have been made on the representation made to the Jury Commissioners, that sufficient attention is not paid to the convenience and comforts of those summoned as jurors, and which was left to Government for settlement after due enquiry? If nothing has been done in this connection, will the Government be pleased to cause an enquiry to be made, and take steps for providing proper accommodation to jurors.

[*Mr. Risley; Babu Guru Proshad Sen.*]

The Hon'ble MR. RISLEY replied:—

"The question of accommodation for Jurors was not taken up after the Jury Commissioners' report, but the Lieutenant-Governor will now cause enquiry to be made, with the view of deciding on the action which should be taken in the matter."

MAINTENANCE OF ROADS OUT OF PROVINCIAL REVENUES.

The Hon'ble BABU GURU PROSHAD SEN asked—

Will the Government be pleased to state how many miles of roads, metalled and unmetalled, existed in each district, the maintenance of which was a charge on the Provincial Revenues when the Road Cess Act came into operation, and how many miles of these roads, metalled and unmetalled, are now maintained out of the Provincial Revenues?

The Hon'ble MR. RISLEY replied:—

"Owing to the form in which the accounts relating to these roads were kept by the Public Works Department, the statistics required for the reply to this question are still incomplete."

SUPPLY OF *RUSSADS* FOR ARMY MARCHES.

The Hon'ble BABU GURU PROSHAD SEN asked—

Is the Government aware that the present practice is to issue requisitions for the supply of the aggregate quantity of *russads* on the occasion of army marches to each one of the proprietors in one estate or estates in the line of army marches, calling on them individually to supply the whole quantity, thus if there are 20 proprietors in an estate or estates through which the army marches, and all were to comply with the requisition, the supply would be 20 times over? Will it be pleased to direct that an apportionment of the quantity be made in such cases, in proportion to the shares in the estate or state of those who are required to make the supply.

[*Mr. Finucane; Babu Guru Proshad Sen; Mr. Bose.*]

The Hon'ble MR. FINUCANE replied:—

"Reports have been received from the Officers in charge of Districts through which troops ordinarily march, and it appears that in some of these Districts the practice described by the Hon'ble Member is in force. Although where several zamindars are liable to provide supplies, the whole amount needed is requisitioned from each of them, practically it is not found that much more than the amount needed is supplied, though a margin is allowed to meet emergencies. It must obviously be difficult to proportion each zamindar's contribution to the share he holds in the estate, and all attempts at such apportionment have failed. In certain of the districts most often traversed by troops, the zamindars have co-operated amongst themselves, and the existing system has been found to work satisfactorily. The Lieutenant-Governor is advised that no change in that system is necessary. The zamindars understand that they are jointly and severally liable for the whole quantity of *russad* required, and they arrange for the apportionment of it among themselves. No instance has ever occurred where each and every one of a number of co-sharer zamindars separately supplied the whole quantity required."

ROAD AND PUBLIC WORKS CESSES.

The Hon'ble BABU GURU PROSHAD SEN asked—

Will the Government be pleased to state what amount was expended during the year 1894-95 for collecting the Road cess, and what amount was contributed to the District Road Fund out of the proceeds of the Public Works cess collected jointly with the Road cess by establishment paid from the District Road Fund, under section 10, clause 1, of the Cess Act, IX of 1880 (B.C.).

The Hon'ble MR. A. M. BOSE asked—

Will the Government be pleased to state what are the total charges for collecting the Road cess and the Public Works cess incurred by the District Boards, and how much out of this amount is paid by the Government for the collection of the Public Works cess?

The Hon'ble MR. RISLEY replied:—

"The cost of collecting the Road and Public Work Cess in Board districts in the last year, for which final accounts are available, amounted to Rs. 2,87,186, of which Rs. 2,42,686 were charged to the District Funds and Rs. 44,500 to Provincial Revenues. The latter amount was fixed once for all in 1879 in relation to the collection charges as they then stood, and has remained unaltered in view of the fact that Government pays for all the superior establishment concerned in the supervision and control of the collection of both cesses."

RESERVE FUND FOR PREVENTION OF FAMINE.

The Hon'ble BABU GURU PROSHAD SEN asked—

In introducing the Public Works Cess Bill, the Hon'ble Mr. Reynolds stated:—"It was necessary for the Government of Bengal to do something more than this (payment of interest on Irrigation and Railway works), and to have a surplus and a reserve fund in hand. It had been laid down by the Government of India that it was necessary to introduce a system of Provincial and Local responsibility, for the provision of local relief in the event of a famine." (*Vide* Proceedings of the Council of the Lieutenant-Governor of Bengal, Volume X, Part I, page 28).

Is there any such surplus and reserve fund in hand for the prevention of famine? Is not this reserve fund available for the prevention of scarcity of water?

APPLICATION OF PUBLIC WORKS CESS.

The Hon'ble BABU GURU PROSHAD SEN asked—

Will it please the Government to state how is the Public Works cess applied, under clause 2, section 10, of the Cess Act? Is any separate account now kept of the receipts and expenditure of the Cess?

The Hon'ble MR. RISLEY replied:—

"A reply to the Hon'ble Member's questions will be found in my speech reported at pages 469-472 of the Proceedings of the Meeting of the Council held on the 3rd August, 1895."

[*Babu Guru Proshad Sen; Mr. Finucane.*]

TREATMENT OF DISEASES OF BOVINE SPECIES IN VETERINARY SCHOOLS.

The Hon'ble BABU GURU PROSHAD SEN asked—

Will the Government be pleased to state whether the present curriculum of studies in the Veterinary School of Bengal includes the treatment of the diseases of the bovine species?

The Hon'ble MR. FINUCANE replied:—

"The answer to the Hon'ble Member's question is Yes. The treatment of diseases of cattle is an important part of the curriculum of studies in the Bengal Veterinary School."

COMMISSION'S OPINION OF CATTLE DISEASES IN BENGAL.

The Hon'ble BABU GURU PROSHAD SEN asked—

Whether there was not a Commission appointed some years ago to examine the question of cattle diseases and the improvement of the breed of cattle in the territories then comprised under the Lieutenant-Governorship of Bengal? What, in the opinion of the Commission, were the causes for the decay and diseases of cattle in Bengal, and what were the remedies suggested?

The Hon'ble MR. FINUCANE replied:—

"A Commission was appointed to enquire into cattle diseases, known as the Indian Cattle Plagues Commission, which submitted its Report in 1871. This Commission did not deal exclusively with Bengal; nor, except cursorily, with the subject of the improvement of the breeds of cattle.

"The causes of cattle diseases were summarized by the Commissioners on pages IX to XII of their Report; of these the chief in their opinion were improper feeding, improper watering, promiscuous herding, and over-crowding. The remedies suggested are summarized in paragraph 47 of their Report. An extract containing that paragraph is laid on the table. Among the recommendations of the Commission were the opening of veterinary schools for training a skilled native veterinary agency and the attachment of skilled veterinary agents to municipalities and collectorates."

[*Extract para. 47.* It will be convenient, before closing this general sketch of the results of our inquiry, to recapitulate the principal recommendations which we have been induced to make. They are as follows:—

I.—Whenever murrain breaks out, it should be made a subject of special local inquiry by committees or skilled agents.

II.—In order to test the effect of epizootics upon stock, an accurate census before and after the outbreak is absolutely necessary; or, if this be not attainable, an approximate census of the cattle of districts should be made to serve as a basis upon which the extent of loss from any outbreak may be estimated.

III.—As a means of exhibiting the fluctuations of value of stock, market prices of different kinds of stock should be periodically published in local Gazettes.

IV.—The systematic storing of fodder and jealous preservation of pasture land, where it exists, and its provision where it does not exist, are important considerations as regards the welfare of stock generally.

V.—Herding and droving cattle should be watched and regulated, especially in times of murrain.

VI.—Large fairs should be subject to skilled inspection and sanitary precaution, and smaller fairs carefully watched, especially in murrain times.

VII.—The hide trade is a source of danger, and should be watched and regulated. In times of murrain, hides should be destroyed or thoroughly disinfected.

VIII.—A law should be enacted for India regulating and restricting the sale of poisons.

IX.—Slaughter-houses should be under skilled supervision.

X.—Government cattle should, if possible, be placed under the veterinary charge of skilled men.

XI.—A law should be enacted embodying rules for the repression and prevention of spread of murrain, and capable of ready application to any locality when the necessity arises.

XII.—A veterinary school for the training of a native skilled agency should be organized.

[*Mr. Bose; Mr. Risley.*]

XIII.—Such skilled agents should be attached to municipalities and collectorates to investigate and report on murrains, and apply preventive and remedial measures.

XIV.—A yearly summary of all the information which has been collected during the year regarding cattle murrains should be prepared and published, and the subject should constitute a point of attention in administration reports of provinces.

XV.—The collection of such information and preparation of such reports should be assigned as a duty to some particular individual, office or department.]

FEES PAYABLE BY PLUCKED MEDICAL STUDENTS.

The Hon'ble MR. A. M. BOSE asked—

Is the Government aware that the sanction of the Senate to the rule requiring further attendance at lectures on the part of students who had failed at the medical examinations of the University, was obtained on an assurance given by the authorities of the Medical College that such students would be allowed to attend the additional courses at the College without payment of fees, and that this promise has been hitherto carried out (*vide* pages 2 and 3 of the University Minutes for 1891-92—Statement of Dr. MacLeod, President of the Medical Faculty)?

Has the attention of the Government been drawn to the fact that under the rules of the Medical College recently promulgated, students who have failed at the University Examination are now required, except in special cases, to pay fees for attendance at the additional courses prescribed by the regulations of the University (*vide* Rule 16 of the Medical College Prospectus, page 642, Part I, *Calcutta Gazette* of 3rd June, 1896)?

Will the Government be pleased to consider the propriety of altering this rule in accordance with the promise referred to in the first paragraph of this question.

The Hon'ble MR. RISLEY replied:—

"In sanctioning the new rules for the Medical College, the attention of the Government was not drawn to the statement made by Dr. MacLeod

at the meeting of the Senate of the Calcutta University on the 25th April, 1891 (Minutes for 1891-92, pages 2-3), to the effect that 'this matter had been considered by the College Council, which had decided that students should not, under the circumstances, be required to pay a fresh fee for additional courses.' It now appears on inquiry that Dr. MacLeod had not full authority for making this statement. The Resolution of the Council, passed on the 9th April, 1891, declared that students who had failed at the final examination should not be called upon to pay additional fees for extra courses; but no mention is made of any other examination. Nor does it appear that this Resolution was ever communicated to, or received the sanction of, Government. It cannot, in any case, be admitted that the proposed concession was a condition precedent to the passing of the rule by the Senate. The recent decision by the Government was based on the unanimous recommendation of the College Council in August, 1895, that re-admitted students should be required to pay fees. As, however, the College Council and the Director of Public Instruction then recommended that only half fees should be charged to such students, the Lieutenant-Governor is prepared, on reconsideration, to modify the rule to that extent."

MAXIMUM NUMBER OF ADMISSION TO FIRST YEAR CLASS OF MEDICAL COLLEGE.

The Hon'ble Mr. A. M. Bose asked—

Will the Government be pleased to state what is the maximum number which has been fixed for admission to the first-year class of the Calcutta Medical College under the new rules for the present session; and how many out of these admissions are cases of re-admission of students who have failed to satisfy the College test at the end of their first-year's course? In case the number of applications should exceed the limit so fixed, have any rules been laid down in accordance with which the Principal is to proceed in selecting those who are to be refused admission?

Having regard to the fact that the Calcutta Medical College is the only institution of its kind in these provinces for imparting superior medical instruction to the people of the country, will the Government be pleased to consider

the propriety of removing the restriction to the number of admissions now for the first time introduced? Has the Government considered the hardship of practically shutting out all possibility of a medical career, at least in the superior grade, to a young man whose capacity or fitness for that career has not at all been tested?

Should the Government not be pleased to remove the limitation referred to, will it lay down for the information of the public the principles on which candidates for admission will be selected when their number exceeds the prescribed maximum, and also to announce beforehand the maximum so fixed from year to year?

The Hon'ble MR. RISLEY replied:—

"The number of students to be admitted annually to the Medical College is determined by the capacity of the class-rooms, in some of which all students of the first and second years (with some failed students of the third year) are taught together. The number admitted to the first-year class at the beginning of the present session was provisionally fixed at 100, including 20 students re-admitted after failure at the test examination of the previous session. Eighty-seven new students applied for admission, in accordance with the rules, at the beginning of the present session, and though the number was thus raised to 107, all were admitted. Should the number of applicants for admission at any time largely exceed the prescribed maximum, preference will be given in accordance with their previous University qualifications, as determined by the results of the Arts Examinations which they have passed.

"The Chemistry class now consists of 244 students, which is fully up to, if not beyond, the capacity of the class-room. The Lieutenant-Governor is not prepared to remove the restriction on the number of admissions, as overcrowded class-rooms are not conducive to efficient study."

BENGAL MUNICIPAL ACT, 1884, AMENDMENT BILL AND BENGAL LOCAL SELF-GOVERNMENT ACT OF 1885, AMENDMENT BILL.

The Hon'ble MR. RISLEY moved that the Hon'ble MR. PRATT be added to the Select Committees on the Bill to further amend the Bengal Municipal

Act, 1884, and the Bill to amend the Bengal Local Self-Government Act of 1885.

The Motion was put and agreed to.

The Hon'ble MR. RISLEY also moved that the time for the Select Committee to present their report on the Bill to further amend the Bengal Municipal Act, 1884, be extended to the 18th of July next. He said:—

"It will be remembered that this Committee was appointed on the 11th of April last with instructions to report within three months. It only commenced its sittings in the beginning of the present month and has unfortunately not been able to complete the consideration of this Bill. I have mentioned the matter to my colleagues on the Committee, and I trust there will be no difficulty in having their Report ready for presentation on Saturday next, the 18th instant. I take this opportunity of stating that it is not proposed to proceed with the Bill to amend the Local Self-Government Act during the present session of the Council. Hon'ble Members will remember that this Bill, like the Bill of which I have been speaking, was referred to a Select Committee on the 11th of April last, with instructions to report within three months. Since then the imperative necessity of providing ways and means for the improvement of the water-supply of rural villages throughout Bengal has been urged upon the Government by all classes of society and all organs of public opinion. In response to these pressing demands, a scheme has been prepared for greatly extending the sphere of Local Self-Government through the agency of Union Committees invested with enlarged powers, including the power of permissive local rating for local purposes, and more especially for the provision of wholesome drinking water. A Bill embodying the provisions necessary to give legal effect to this scheme has been prepared and submitted to the Government of India, and has been circulated for the opinion of District Officers, District Boards, and Public Associations. It is not proposed to take any further action until the orders of the Government of India on the subject have been received and the local opinions have been considered. I hope to be in a position to bring the matter before the Council during the next cold weather."

The Motion was put and agreed to.

PUBLIC DEMANDS RECOVERY ACT, 1895, AMENDMENT BILL.

The Hon'ble MR. FINUCANE moved for leave to introduce a Bill to amend the Public Demands Recovery Act, 1895.

The Motion was put and agreed to.

The Hon'ble MR. FINUCANE also applied to the President to suspend the Rules of Business for the purpose of introducing the Bill.

The Hon'ble THE PRESIDENT having declared the Rules suspended—

The Hon'ble MR. FINUCANE introduced the Bill, and moved that it be read in Council. He said:—

"This is a small and, it is hoped, a non-contentious Bill. The object of it is to correct some mistakes of a clerical nature, and to supply some omissions which by oversight were made in Act I of 1895. It will be in the recollection of Hon'ble Members who were in the Council in that year that a Bill was passed towards the close of the winter session to amend the law relating to the recovery of public demands. Certain errors and omissions were made in that Act which it is now proposed to rectify. They occurred in this wise. The Bill of 1895, as it came from the Select Committee, contained two sections relating to appeals which were numbered 19 and 20. Just as the Bill was about to be passed an Hon'ble Member (Maulvi Seraj-ul Islam) proposed, without previous notice, that these sections be placed at the end of the Bill, where they would, it was thought, come in more appropriately. The motion was accepted, the sections were transposed and numbered 32 and 33, and the Bill was passed at that meeting of Council. But the fact was overlooked that one of these sections, 19, was referred to in other sections of the Bill, and that its transposition entailed changes in the numerical references made to it in these other sections. It is now proposed to correct this mistake by providing that for the word 'nineteen', wherever it occurs, in sub-section (*2*) of section 6, and in section 15, the figures 32 shall be deemed to have been always substituted. Another mistake of a clerical character was made in section 16. This section in the Bill as amended by the Select Committee made reference to section 13. On the day the Bill

was brought before the Council to be passed, the Hon'ble Mr. R. C. Dutt moved an amendment in section 13. That amendment necessitated a consequential amendment in section 16, but the fact was not observed at the time. Another mistake in the Act which requires correction occurred in respect of requisitions for, and the realisation of, demands by local authorities. It will be remembered that at a late stage in the discussions connected with the Bill of 1895, it was suggested that Local Authorities should be empowered to recover, under the certificate procedure, certain demands of a public nature in respect of which the persons liable to pay the same had agreed by a duly registered instrument that they should be recoverable under the Public Demands Recovery Act. The suggestion was accepted, and the words 'Local Authority' were accordingly introduced by the Select Committee in section 7(*g*) of the Bill, the intended effect of their introduction being to empower Local Authorities to apply to the certificate officer for the issue of certificates in the cases mentioned. But it was overlooked that the introduction of these words in that section necessitated their introduction in certain other sections also. It is now proposed to supply the omission by introducing these words in the appropriate sections from which they were omitted by oversight. The effect of the omisssion of them is that, under the Act as worded, Local Authorities cannot make a requisition for a certificate, and the various provisions of the Act relating to the procedure in connection with these certificates have no effect in the case of Local Authorities, although the right to obtain a certificate is given to them by section 7. The case of private individuals in whose favour a certificate may be issued under the Act stands in the same position. The introduction of the words 'Local Authority' and 'private individual' in the sections from which they were inadvertently omitted are intended to remedy these defects, and to carry out what was the intention of the Council when it passed the Act. Section 9 (2) of the Act is so drawn as to make Government officers liable to pay court-fees on requisitions for a certificate. But it is quite unnecessary that they should pay such fees, since their doing so would merely result in the transfer of money from one Government Department to another. Section 19 of the Act introduced for the first time into the law for recovery of Public Demands the principle of redemption. That section gives to a debtor whose property has been sold a right of redemption on payment of the demand with a penalty and interest analogous to the right which is given to judgment-debtors by section 174 of the Tenancy Act. The section is so worded, however, that difficulty has been felt in the construction of it. Sub-section (*c*) of that section, as it stands, requires

the judgment-debtor, before the sale is annulled, to pay up all outstanding charges that are payable to the District Collector under any Act for the time being in force. This sub-section is so wide that it may render the privilege of redemption a nullity. The owner of the property sold may have other properties in the same district or in other districts, and it would appear that the annulment of the sale might be voided unless he had, before such annulment, paid up all outstanding charges of every sort and description, not alone in respect of the property sold, but in respect of all other properties of which he may be the owner. Again, the owner of the property sold may not himself know of all the outstanding charges against him, and though he may have paid up all such outstanding charges as are known to him, he may still find that the annulment of the sale is void. To obviate this it is proposed to restrict and specify the charges which must be paid, by providing that they are charges in respect of the property sold, and that they must be certified by the Collector to be due. I should mention that clause (*c*) of section 7 of the Act was an attempt to get rid of the long list of enactments which is contained in section 7(3) of Act VII of 1880. But the clause as it now stands has left the law in a confused and imperfect state, in consequence of its framers having overlooked the fact that the references in those several enactments to Act VII of 1868 were all repealed by the Act of 1880. The clause has been redrafted so as to cover all the demands which its framers intended it to cover.

"I think I have now enumerated all or nearly all the changes in the Act of 1895 which it is proposed to make by this Bill. It will be seen that they are of a formal character, involving no question of principle, and that their object is merely to give effect to what was the intention of this Council when it passed Act I of 1895. I ought perhaps, in conclusion, to explain that in the edition of the Act published by the Board of Revenue the erroneous numerical references to sections have been corrected, so as to make the Act more easily intelligible to officers who have had to work it, but such corrections are technically unauthorised till this Bill is passed into law. I now beg leave to introduce this Bill."

The Motion was put and agreed to.

The Bill was read accordingly.

The Council adjourned to Saturday, the 18th instant.

CALCUTTA;
The 27th July, 1896.

F. G. WIGLEY,
Offg. Assistant Secretary to the Govt. of Bengal,
Legislative Department.

Reg. No. 4166—900—99 x 10

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met at the Council Chamber on Saturday, the 18th July, 1896.

Present:

The Hon'ble SIR CHARLES PAUL, K.C.I.E., Advocate-General, *presiding*.
The Hon'ble W. H. GRIMLEY.
The Hon'ble J. PRATT.
The Hon'ble H. H. RISLEY, C.I.E.
The Hon'ble M. FINUCANE.
The Hon'ble J. G. H. GLASS, C.I.E.
The Hon'ble RAI DURGA GATI BANERJEA BAHADUR, C.I.E.
The Hon'ble NAWAB SYUD AMEER HOSSEIN, C.I.E.
The Hon'ble SURENDRANATH BANERJEE.
The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR.
The Hon'ble A. M. BOSE.
The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR.
The Hon'ble GURU PROSHAD SEN.
The Hon'ble W. B. GLADSTONE.
The Hon'ble M. S. DAS.

MR. WHEELER'S CASE.

The Hon'ble MR. RISLEY said:—"The Council will remember that at the last meeting the following question was asked by the Hon'ble Babu Surendranath Banerjee:—

'Whether the attention of the Government has been called to a statement which has appeared in the *Behar Herald* of the 27th June last to the effect that a Circular Order has been issued by the Magistrate of Saran, addressed to all Deputy Magistrates under him, drawing their attention to the leniency with which excise cases are treated by them and urging them to inflict exemplary punishment on the parties concerned? Is there any truth in this statement?

If so, whether the Government will be pleased to direct the withdrawal of the Circular as interfering with the Judicial discretion of Magistrates subordinate to the District Magistrate of Saran?

'Is it the case that this officer who has been placed in charge of such an important district as Saran is only of four years' standing? If so, will the Government be pleased to devise measures to prevent comparatively young officers being placed in responsible charge of important districts?'

"I said at the time that a reply to this question would be given hereafter when the result of certain enquiries then being made was known. Since then the enquiries have been completed, and I am now in a position to reply as follows:—

"It has been ascertained that the Officiating Collector of Saran finding, on reviewing the Excise Returns, that breaches of the Law were not being adequately dealt with, 'drew the attention of the Deputy Magistrate to the question of the amount of punishments in Excise cases,' and remarked that 'the general tendency is to be far too lenient, especially in tari cases.' This was a perfectly legitimate criticism on the part of the District Magistrate, and to describe it an interference with Judicial discretion is a perversion of terms.

"The Lieutenant-Governor would be very glad if the state of the service enabled him to secure a senior officer for the charge of every district, but he must make the best use of the staff actually at his disposal; and Mr. Wheeler's management of the Saran district, of which he is temporarily in charge, has been very creditable to him."

ALLEGED UNSATISFACTORY RESULTS OF THE RAVENSHAW COLLEGE, CUTTACK.

The Hon'ble MR. M. S. DAS asked—

In the Annual Administration Report for 1894-95 Mr. H. G. Cooke, the Commissioner of Orissa, in speaking of the Ravenshaw College at Cuttack, made the following remarks:—

"On the 31st March, 1895, there were 59 students on the roll against 68 on the corresponding date of the preceding year. At the B.A. Examination

held in 1894, 29 candidates appeared, of whom only 7 passed. At the F.A. Examination 5 passed out of 31. The result is not at all satisfactory. Though the College had an able Principal in Mr. Hallward, there appears to be something wrong with the institution to account for such poor results. If the evil admits of a remedy, I would strongly advocate that the remedy should be sought for and applied. The College is the only institution of the kind in Orissa, which, as a division, is admittedly backward in higher education."

(*a*) Has any enquiry been directed to find out why the results at the University Examinations have been unsatisfactory since Mr. N. L. Hallward's appointment as the Principal of the Ravenshaw College?

(*b*) Has any step been taken to remedy this state of things as suggested in the above quotation from the Commissioner's Administration Report?

The Hon'ble MR. FINUCANE replied:—

"As the results of the University examinations for the Ravenshaw College in the three years 1894 to 1896, for which alone Mr. Hallward can be held responsible, were in fact more favourable than those of the three preceding years, 1891 to 1893, when the College was under the control of his predecessor, the Lieutenant-Governor does not think it necessary to take any steps of the kind suggested."

First Arts:—	
1894 to 1896	... 38 passed out of 102.
1891 to 1893	... 37 „ „ 110.
B.A.:—	
1894 to 1896	... 15 passed out of 63.
1891 to 1893	... 10 „ „ 44.

ALLEGED INEFFICIENCY OF THE RAVENSHAW COLLEGE AND COLLEGIATE SCHOOL.

The Hon'ble MR. M. S. DAS asked—

(*a*) Is the Government aware of the fact that out of 17 boys who went up from the Ravenshaw College for the B.A. Examination of the Calcutta University in 1893 only 2 passed, and at the F.A. Examination of the same year only 5 passed out of 40 sent up?

[*Mr. Das ; Mr. Finucane.*]

(*b*) Is the Government aware of the fact that Mr. Hallward did not teach any subject in the F.A. classes during the years 1893, 1894 and 1895, though the former Principal, Mr. S. Ager, used to do so?

(*c*) Is the Government aware of the fact that Mr. Hallward only taught English in the B.A. classes, and in doing so he taught the 3rd and 4th year classes together?

(*d*) Is the Government aware of the fact that out of the boys who were sent up from the Ravenshaw College for the B.A. Examinations in 1892, 1893 and 1894, the largest number failed to secure the pass marks in the English language—the subject taught by Mr. Hallward?

(*e*) If the Government is not aware of the facts referred to in the questions (*a*), (*b*), (*c*) and (*d*), will the Government be pleased to cause an enquiry to be made with a view to ascertain the correctness of these statements and place the result of such enquiry on the table for the information of the Council?

(*f*) Will the Government be pleased to take such steps as may restore the Ravenshaw College and the Collegiate School to that condition of efficiency which they had before Mr. Hallward's appointment as Principal, seeing that, to quote Mr. Cooke's words, "*it is the only institution of the kind in Orissa, which as a division is admittedly backward in higher education*"

The Hon'ble MR. FINUCANE replied:—

"(*a*) Mr. Hallward cannot be made responsible for the results of the examinations of 1893, as he had been in charge of the College for only a few months prior to the close of the course.

"(*b*) *and* (*c*) These are matters of departmental routine with which the Lieutenant-Governor does not think it necessary to interfere. The Director of Public Instruction's attention will be called to them. The question appears to ignore the fact that Mr. Hallward for the first time established and taught M.A. classes in English in the Ravenshaw College.

"(*d*) The fact referred to is not peculiar to the Ravenshaw College. The records of the University show that throughout Bengal, generally, more students fail in English than in any other subject.

"(*e*) In the Lieutenant-Governor's opinion the facts are not such as to call for any special enquiry.

"(*f*) See answer to Question No. I. The Lieutenant-Governor does not recognise the justice of the attempt to fasten upon the Principal the sole responsibility for shortcomings of the Ravenshaw College pupils at the University examinations. The College is conducted upon very inexpensive lines, with one European Principal and a staff of Native graduates; the Principal teaches only one subject out of many. Uriya students as a rule are more backward than those of Bengal; and many of the best of them—those who win scholarships—pursue their further studies in Bengal Colleges."

PROHIBITION OF LEAVE IN COLLEGIATE SCHOOL, CUTTACK.

The Hon'ble MR. M. S. DAS asked—

The minor Raja of Baramba was a student of the Ravenshaw Collegiate School at Cuttack. The Commissioner of the Orissa Division as the *ex-officio* Superintendent of the Tributary States is the guardian of the minor. The Superintendent of Tributary States sanctioned the minor Raja's visit to his State on the occasion of his sister's marriage, and for that purpose leave was obtained from the Head Master of the Ravenshaw Collegiate School. His leave expired on 29th November, on which day the Raja's mother reported to the Superintendent of Tributary States that the Raja could not start back for Cuttack till 2nd December, as his presence at home was necessary in connection with some religious ceremonies: on 5th December the Superintendent of Tributary Mahals wrote to the Head Master for an extension of four days' leave, but the Head Master replied that "*under the rules no retrospective leave can be granted.*" The minor Raja was fined and had to undergo 15 days' drill for having overstayed his leave by four days.

(*a*) Have these facts been brought to the notice of the Government? Does the Government approve of the punishment inflicted on the minor Raja under the abovementioned circumstances?

[*Mr. Das; Mr. Finucane; Mr. Risley.*]

(*b*) Will the Government be pleased to direct the authorities of the Ravenshaw Collegiate School to revoke this sweeping rule against granting retrospective leave, which is allowed even to Government servants in cases of unforeseen emergencies?

REFUND OF EXCISE FINES LEVIED IN RAVENSHAW COLLEGIATE SCHOOL.

The Hon'ble Mr. M. S. DAS asked—

Is the Government aware of the fact that in the Ravenshaw Collegiate School boys who absented themselves at the end of holidays were, till last week, fined at the rate of six annas a day, though under the rules framed by the Director of Public Instruction they could not be fined at a higher rate than two annas a day?

Will the Government be pleased to direct the Ravenshaw School authorities to refund the excess amounts thus extorted against rules?

The Hon'ble MR. FINUCANE replied:—

"The punishments to be imposed on pupils for unauthorised absence is a matter that Government has left largely in the hands of Principals of Colleges. The Lieutenant-Governor does not think it necessary to take up the time of the Council with a discussion on details of these matters."

BENGAL MUNICIPAL ACT, 1884, AMENDMENT BILL

The Hon'ble MR. RISLEY presented the Report of the Select Committee on the Bill to further amend the Bengal Municipal Act, 1884.

PUBLIC DEMANDS RECOVERY ACT, 1895, AMENDMENT BILL.

The Hon'ble MR. FINUCANE moved that the Bill to amend the Public Demands Recovery Act, 1895, be referred to a Select Committee consisting of the Hon'ble MR. BOLTON, the Hon'ble MR. PRATT, the Hon'ble RAI DURGA GATI

[*Mr. Finucane ; Babu Guru Proshad Sen ; Mr. Risley ; the President.*]

BANERJEA BAHADUR, the Hon'ble MAULVI MUHAMMAD YUSUF, KHAN BAHADUR, the Hon'ble BABU SURENDRANATH BANERJEE, and the Mover, with instructions to report during the next session of the Council.

The Hon'ble BABU GURU PROSHAD SEN said:—"Some of the processes by which we arrive at the amendment of our Acts are known outside this Council as 'tinkering.' I hope I shall be excused for referring to an expression which I hold as very disrespectful to the dignity of this Council. But while I object to the expression, I am afraid there will be some justification for its use if we allow such amending Acts as the present one, which in effect proposes to amend a small Act of 32 sections by an amending Bill of 12 sections. It would be a puzzle to the uninitiated if they are asked, by a reference to the two Acts, to gather the meaning of the amendments made by the amending Act. This Bill will, moreover, be a waste of time and mental labour to the initiated, for while they can finish the reading and understanding of the original Act in ten minutes, they will have to gather the meaning of the amendment by a laborious comparison of the two Acts for hours. I find that by section 3 of this Bill it is proposed to change the figures 19 into 32, and that in another place it is proposed to change the figure 6 into 13."

The Hon'ble MR. RISLEY rose to a point of order. He said:—"The remarks which the Hon'ble Member was now addressing to the Council should either have been made when leave was taken to introduce the Bill, or should be brought forward at a later stage when the details of the Bill come under consideration. At the present stage of the Bill I submit that it is not in order to criticise the details of the Bill, nor is it convenient or in accordance with the practice of the Council."

The Hon'ble THE PRESIDENT said:—"I took a similar objection on a former occasion, but I was overruled. As far as I have heard the Hon'ble Member, his comments, though they may be pertinent when the Bill comes up for consideration of its clauses, are not in order now. But if he has anything to say against the principle of the Bill, this is the time to bring forward his objections. Minor details can be set to right by the Select Committee to whom the Bill is referred, and if the Hon'ble Member thinks any minor details are susceptible of correction or improvement, it will be open to him to send in his views to the Secretary, and I feel sure they will be carefully considered by the Committee."

[*Babu Surendranath Banerjee; the President; Mr. Risley; Babu Guru Proshad Sen.*]

The Hon'ble BABU SURENDRANATH BANERJEE said:—"If I may be permitted to interpose, I wish to say that when sometime ago the learned Advocate-General raised a point of order as to the criticism of minor details on a motion to refer a Bill to a Select Committee, it was held that questions of principle might be discussed at this stage of the proceedings. That indeed is the rule which regulates our proceedings. It may happen that criticisms in respect of details might involve the consideration of questions of principle, and in that case my hon'ble friend would be within his rights in making his comments now."

The Hon'ble THE PRESIDENT said:—"I can only leave it to the good taste of the Hon'ble Member in introducing details in support of his arguments on questions of principle. I do not wish to dictate to him in the slightest degree."

The Hon'ble MR. RISLEY said:—"I invite attention to Rule 33 of the Rules for the Conduct of Business."

The Hon'ble THE PRESIDENT said:—"I raised that very question sometime back against the Hon'ble Mr. Ghose, and it was ruled by the President, Sir Charles Elliott, that it was open to Hon'ble Members to attack the principle of a Bill at this stage of the proceedings. I was overruled, and I had to submit to the overruling power, as the Hon'ble Member in charge of the Bill must submit to my ruling now."

The Hon'ble BABU GURU PROSHAD SEN continued:—"I do not intend to trench on forbidden ground. I was simply going into the question of the principle of the Bill. I was going into the question, not on the ground that the Bill was not necessary, but on the ground that the amendments would make the Bill perfectly useless to the uninitiated as a guide. What I was going to submit with due deference was that in the interests of the public the Act ought to be repealed and a new Act passed incorporating all the amendments which are found to be necessary and useful. As I find from the motion of the Hon'ble Member in charge of the Bill that the report of the Select Committee is to be submitted during the next Session of the Council, which probably means the next cold weather, I do not see why, as there will be no loss of time, the

[*Babu Guru Proshad Sen; Mr. Finucane.*]

whole Act cannot be recast in the meantime. That, I submit, will make it more easy of comprehension to the general public, who will suffer by having to read two Acts together and in the end remaining as ignorant of their meaning as they were at the beginning."

The Hon'ble MR. FINUCANE said:—"If the Hon'ble Member was not in his remarks questioning the principle of the Bill, then it is admitted that he is out of order. He has raised no question of principle, but merely objects to the form which the Bill has taken, and which, as the matters with which it deals consist of mere details, the Bill must take. It is not denied for one moment that the Bill is necessary, and as the Hon'ble Member does not found his objection on any question of principle, but has only commented on the form which the Bill ought to take, I submit that the motion before the Council ought to be passed. As to the suggestions made for repealing the Act of 1895 altogether, and passing a consolidating and amending Act, it seems to me that the adoption of that course would be objectionable, as it would necessarily re-open a general discussion upon all questions connected with the recovery of public demands—questions which were fully discussed in this Council last year. 'If I were to bring in a Bill repealing the Act of 1895 and embodying in a new Bill, the existing Act and all the amendments now proposed, the result would be that the time of the Council would be wasted, unless it was understood that questions which were settled last year should not be re-opened. This is a Bill merely of details, and it is quite unnecessary, as far as I can see, to re-open the general questions connected with the law for the recovery of public demands.

"As to the objection raised to the Bill on the ground of the inconvenience that will be caused by having to refer to two Acts on the same subject, I would submit that if the Bill is passed, its provisions can easily be incorporated in and printed with the Act of 1895 for the use of the officials and others whose duties necessitate a reference to the law for the recovery of public demands. I cannot therefore see that any inconvenience will result from the shape which the Bill has taken, while on the other hand it would cause serious inconvenience and waste of the time of the Council to re-open questions which were discussed at length and settled last year."

[*The President.*]

The Hon'ble THE PRESIDENT said :—"It appears to me that no question of principle is involved in the observations which have been made by the Hon'ble Member, and that what he referred to is altogether a question of convenience. The questions of principle connected with the law for the recovery of public demands have been considered by the members of this Council on previous occasions, and if there is a tacit consent on the part of every member of the Council that he will not raise any question of principle, but only consider matters of form, there will be no difficulty in bringing in and passing a consolidating measure. But as the Hon'ble Mr. Finucane pointed out, if we attempt to do so, it would lead to a fresh discussion of the whole Act, and would re-open questions which have been thoroughly discussed and settled. Therefore this Bill is to be passed only for correcting certain mistakes which have crept in and for the purpose of introducing certain improvements in the law. It will always be the case that such Bills will be required. Human ingenuity is not capable of devising a measure which will apply to all sorts of circumstances. That was supposed to be done by the Code Napoleon, but nevertheless a French Law Library is as large as an English one. We have large number of volumes of case law, but the French have numerous commentaries on their Code—almost as large in number as our Law Reports. No one is wise enough to be able to draft an Act which will provide a remedy for all possible contingencies; and that being so, this Bill is the necessary outcome of the further consideration which has been given to the Act since it was passed, and it has been found necessary to correct the mistakes which have occurred."

The Motion was then put and agreed to.

The Council adjourned to Saturday, the 1st August, 1896.

F. G. WIGLEY,

Offg. Assistant Secretary to the Govt. of Bengal,
Legislative Department.

CALCUTTA;
The 3rd August, 1896.

Reg. No. 442G—306—4 8.96.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892.

The Council met at the Council Chamber on Saturday, the 1st August, 1896.

Present:

The Hon'ble W. H. GRIMLEY, *presiding*.
The Hon'ble J. PRATT.
The Hon'ble H. H. RISLEY, C.I.E.
The Hon'ble M. FINUCANE.
The Hon'ble J. G. H. GLASS, C.I.E.
The Hon'ble RAI DURGA GATI BANERJEA BAHADUR, C.I.E.
The Hon'ble NAWAB SYUD AMEER HOSSEIN, C.I.E.
The Hon'ble SURENDRANATH BANERJEE.
The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR.
The Hon'ble A. M. BOSE.
The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR.
The Hon'ble GURU PROSHAD SEN.
The Hon'ble W. B. GLADSTONE.
The Hon'ble M. S. DAS.
The Hon'ble A. H. WALLIS.

NEW MEMBER.

The Hon'ble MR. A. H. WALLIS took his seat in Council.

MAINTENANCE OF ROADS OUT OF PROVINCIAL REVENUES.

The Hon'ble MR. RISLEY said:—"The Council will remember that at the Meeting of the 11th July last, the following question was asked by the Hon'ble Babu Guru Proshad Sen:—

'Will the Government be pleased to state how many miles of roads, metalled and unmetalled, existed in each district, the maintenance of which was a charge on the Provincial Revenues when the Road Cess Act came into operation, and how many miles of these roads, metalled and unmetalled, are now maintained out of the Provincial Revenues?'

[*Mr. Risley.*]

"I said at the time that owing to the form in which the accounts relating to these roads were kept by the Public Works Department, the statistics required by the reply to the question were still incomplete.

"I now lay on the table three statements, A, B and C, furnishing as full particulars as can be gathered from the books maintained by the Public Works Department. Before the introduction of the Road Cess the distinction now recognised between Provincial and District roads did not exist. Roads were classified as Imperial or Local, the former being maintained as a rule from Imperial Revenues, and the latter as a rule from the Amalgamated District Road Fund, which consisted of the net balances remaining after meeting the first charges on a number of separate funds, mostly of a local character, supplemented by contributions from the one per cent. Income-tax Fund and from Imperial Revenues. Shortly after the passing of the Road Cess Act, Sir George Campbell issued the following order:—

'In introducing the new system of local taxation under the Road Cess Act, the Lieutenant-Governor desires to act with the utmost liberality towards local interests. For many years past all the local road and ferry toll collections have been brought into one Central Road Fund, and distributed at the pleasure of Government. The Lieutenant-Governor has determined that this system shall now cease, and that all the sums collected from local roads and canals, and from all ferries, except those on roads maintained from the general revenues, shall be made over to the districts and municipalities in whose limits the lines of communication lie. The main lines of arterial communication, both roads and canals, will be maintained from Provincial Funds, and the collections from them will be credited to the Provincial treasury; all others will be made over to the District Fund, receipts and expenditure together.

* * * * * *

'The Lieutenant-Governor does not propose to make any further allotments from general sources to the rich and populous districts, which may be considered quite capable of paying their own way. Anything that can be spared from Provincial needs will rather be given in aid of poor districts which have suffered from peculiar difficulties of communication.'

"In January, 1872, detailed effect was given to the principle thus laid down. The main lines of road shown in Statement A, in length 1,764¾ miles, were classified as Provincial roads, and at the same time the Calcutta Canals, the Nadia rivers and the Backergunge Canals were made a Provincial charge. Of the small local roads entered in Statement B, comprising in all 981 miles, 79½ miles were transferred to Railways and Municipalities, and 901½ miles, costing

[*Mr. Risley.*]

about Rs. 84,173 a year, were made over to District Road Committees to be maintained from the Road Cess and from the proceeds of ferries on district roads. Grants-in-aid amounting to Rs. 4,98,238, besides the balance of the assignments for 1871-72, aggregating Rs. 2,08,720, were also given for the year 1872-73, in order to enable the Committees to carry on work on these and the local roads then existing until their income from Road Cess began to come in. Since then the 734 miles of road, referred to in Statement C, have been made over to Local Authorities, with the grants entered in column 6 of the Statement. The only case in which a portion of a Provincial road has been transferred to a Local Authority without a corresponding grant occurred in 1879, when 18 miles of the Grand Trunk Road from Dhobi to Gaya were made over to the Road Cess Committee of that district."

A.—Statement showing the Roads classed as Provincial in 1871-72.

Names of roads.	Length of roads in miles—		
	Metalled.	Unmetalled.	Total.
1	2	3	
(1) Grand Trunk Road from Calcutta *viâ* Fulta Ghat and Barakar to Benares Frontier	393	.....	393
(2) From Grand Trunk Road to Patna *viâ* Gaya	98	.....	98
(3) From Dinapore to Railway Station	3½	.....	3½
(4) From Grand Trunk Road to Doranda *viâ* Hazaribagh	78⅝	.....	78⅝
(5) From Midnapore to Raniganj	98	.....	98
(6) The Orissa Trunk Road from Calcutta *viâ* Midnapore to the Ganjam Frontier	304	.....	304
(7) From Puri to Cuttack	53	.....	53
(8) From Cuttack to Sambalpur *viâ* Angul	.....	113	113
(9) The Chittagong Trunk Road from Megna	.....	136	136
(10) From Titalya to Cooch Behar Frontier *viâ* Jalpaiguri	.....	53¼	53¼
(11) Calcutta-Jessore	51	17	68
(12) Cossipore-Dum-Dum	3	.....	3
(13) Calcutta-Diamond Harbour	29	.....	29
(14) Calcutta Maidan roads	12	.....	12
(15) Barakar-Purulia	41	.....	41
(16) Ganges-Darjeeling from Carogola ghat	124	.....	124
(17) Darjeeling Hill Cart	41	.....	41
(18) Cuttack-Sonepur	.....	150	150
(19) Barrackpore	14	.....	14
(20) Calcutta-Dum-Dum	6	.....	6
(21) Budge-Budge	14	.....	14
(22) Bishenpur Branch	4	.....	4
Total	1,375	469¼	1,844¼
Deduct roads transferred to Railways and Municipalities	79¼	.....	79¼
Total in charge of Government	1,295¼	469¼	1,764½

[*Mr. Risley.*]

B.—Statement showing the Roads made over to District Road Cess Committees, 1871-72.

NAMES OF ROADS.	LENGTH IN MILES.			EXPENDITURE.	
	Metalled.	Unmetalled.	Total.	Total of five years, 1867-68 to 1871-72.	Average per annum.
1	2	3	4	5	6
				Rs.	Rs.
(a) Chatra-Chauparan	31	.....	31	25,323	5,065
(b) Ganges-Pirpainti	.....	4	4	2,980	596
(c) Bhagalpur-Suri	110	.....	110	85,829	17,166
(d) Bagula-Bhagwangola	11	76	87	99,297	19,859
(e) Baragathi-Tilaiya	.....	163	163	30,746	6,149
(f) Phulnakra-Madhab	.....	24	24	1,723	345
(g) Pattamundi-Aul	.....	55	55	18,887	3,777
(h) Taldanda	.....	43½	43½	12,226	2,445
(i) Cukrahati	.....	40	40	6,375	1,275
(j) Matla	29	.....	29	57,458	11,491
(k) Narainganj	8	.....	8	7,163	1,433
(l) Khokhali	4	.....	4	4,081	816
(m) Barrackpore Barasat	.....	37	37	4,889	978
(n) Jalpaiguri-Dalinkot	.....	47	47	564	113
(o) Cinchona	6	.....	6	2,823	565
(p) Branch roads from Grand Trunk Road to East Indian Railway ...	11	.....	11	12,963	2,592
(q) Old Lower Road, Darjeeling	.....	.....	.....	3,374	676
(r) Siliguri	.....	.....	.....	9,861	1,972
(s) Dulsing Serai	.....	46	46	5,552	1,110
(t) Bulbghai	.....	34	34	16	3
(u) Kumarara	.....	44	44	6,473	1,295
(v) Panskura-Tumluk	16	.....	16	4,017	804
(w) Krishnaghar-Berhampore	.....	28	28	2,131	426
(x) Hajipur	.....	34	34	13,248	2,650
(y) Nator-Dadapur	.....	.....	.....	2,605	521
Total transferred to District Committee	226	675½	901½	4,20,859	84,172
Roads transferred to Railways and Municipalities	79½	.....	79½		
Length of roads in charge of District Road Committee	305½	675½	981		

C.—Statement showing the mileage of roads transferred to Local Authorities with grants since the passing of Act III of 1885.

DISTRICT.	MILES OF ROADS TRANSFERRED.			Year of transfer.	Existing grant.	REMARKS.
	Metalled.	Unmetalled.	Total.			
1	2	3	4	5	6	7
					Rs.	
24-Parganas	85½	.....	85½	1888-89	79,959	
Jessore	25½	17	42½	,,	20,761	
Burdwan	103 1/12	.....	*103 1/12	1889-90	50,000	* 3½ miles new road.
Bankura	62	.....	62	,,	15,000	
Hooghly	46½	... ..	46½	1888-89	31,000	
Jalpaiguri	16	52	68	1889-90	1,500	
Rangpur	17	.....	†17	1892-93	800	† New road.
Dacca	1½	.....	‡1½	,,	1,863	‡ New.
Chittagong	.....	45½	45½	1889-90	6,500	
Noakhali	.....	14½	14½	,,	2,500	
Tippera	.....	63½	63½	,,	5,671	
Patna	3½	.....	3½	1890-91	5,000	
Purnea	106	. . ..	106	1888-89	§26,752	§ Surplus of ferry receipts.
Cuttack	.....	16	16	1893-94	862	
Manbhum	58	.. ..	‖58	,,	12,900	‖ 16 miles new.
Total ...	525½	208½	734		2,61,068	

[*Babu Surendranath Banerjee; Mr. Risley.*]

RATHJATRA CEREMONY.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Is it true, as stated in the *Hitabadi* newspaper of the 26th June, that the Magistrate of Midnapore has interfered with the Rathjatra ceremony by imposing a fee varying from Rs. 4 to Rs. 16 on every Rath or holy car? Is the Government aware that there are poor people who do not spend more than six or seven rupees per annum in all upon performing this religious ceremony, and that it will be a great hardship to them if they are not allowed to perform this ceremony without paying such a heavy annual fee? Will the Government kindly state what steps, if any, it intends to take in this matter?

The Hon'ble MR. RISLEY replied:—

"The facts of the case are these:—It is the duty of the Magistrates to see that Rath processions are so conducted as not to endanger life. Accordingly the Magistrate of Midnapore issued in 1885 an order on the owners of a considerable number of large cars requiring them, before using the cars, to obtain a certificate of soundness of the woodwork and ropes from a Public Works or District Road Committee's officer not under the rank of a Sub-Overseer. This system of examination has been in force ever since without objection. This year it was pointed out to the Magistrate by the District Engineer that the examination of these cars was not part of the ordinary duties of the officers of the District Board, and that a fee varying according to the distance to be travelled from the head-quarters should be allowed. Recognizing the fairness of this claim, the Magistrate fixed a fee of from Rs. 4 to Rs. 16. It appears that 41 applications for examination were received, in only 23 of which fees were charged. The Magistrate reports that whatever objections were made either on the ground of the cars being too small to require examination, or of the owner being too poor to pay the fee, were fully considered, and that in only one case has he since learnt that the owner was not fully able to pay.

"The Hon'ble Member can see the Magistrate's report if he desires to peruse it."

[*Babu Surendranath Banerjee; Mr. Risley.*]

MR. WHEELER'S CASE.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

With reference to the reply given at the meeting of the Council on the 18th July last in answer to my question regarding the Magistrate of Saran, the Hon'ble Mr. Risley stated that "the Officiating Collector of Saran finding on reviewing the Excise Returns that breaches of the Law were not being adequately dealt with, 'drew the attention of the Deputy Magistrate to the question of the amount of punishment in Excise cases,' and remarked that 'the general tendency is to be far too lenient, especially in *tari* cases.'"

I have now to ask:—

(*a*) Whether the remarks were made on the Excise Returns alluded to, or whether a separate Circular was issued to all Deputy Magistrates?

(*b*) Whether Mr. Wheeler did not issue instructions to inflict "exemplary punishment" in these cases? and

(*c*) Whether the Government will be pleased to lay a copy of Mr. Wheeler's remarks in this connection on the table?

The Hon'ble MR. RISLEY replied:—

"Mr. Wheeler's remarks were based on the Excise Returns, and were embodied in the following Circular order:—

'The attention of all Deputy Magistrates is drawn to the question of the amount of punishments in excise cases. The general tendency is to be far too lenient, especially in *tari* cases. I know it will be argued that the accused are poor labourers and cannot pay more; but such persons are often acting for others, and there appears a tendency to push the argument to excess.

'It should be remembered that for every excise case detected there are numbers that are not, and when detection is successful, punishment should be more exemplary.'

"The principle that offences against the revenue should be visited with deterrent punishment is one which is recognised in all civilised countries, and has been repeatedly affirmed by the Government of India."

[*Babu Surendranath Banerjee ; Mr. Finucane.*]

TEXT-BOOKS IN GOVERNMENT EXAMINATIONS.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

With reference to the reply given at the meeting of the Council on the 11th July last in answer to my question regarding the text-books prescribed for the different examinations and other cognate matters, the Hon'ble Mr. Finucane stated, among other things, that as regards those examinations which are under the Lieutenant-Governor's control, "the books are read during a two years' course; and in so far as they are fixed by the Department, they are changed either wholly or partially from year to year, so as to encourage meritorious authors and text-books and to avoid anything like a monopoly." I have now to ask whether it is not the case that—

(*a*) A book on Hygiene, written by the Secretary of the Text-book Committee, who is a high Government official, has been in use as the text-book in Bengali for the Middle Vernacular Examination for more than twenty-five years?

(*b*) Another book, a History of Bengal written in the Bengali language, has been in use for nearly twenty years for the Upper Primary Examination?

Whether the Government, in view of the fact that the books referred to in the first part of the question have so long been in use against the declared policy of the Government not to encourage monopolies, will consider the propriety of substituting other books for them?

The Hon'ble MR. FINUCANE replied:—

"In the statement laid upon the table in connection with my reply to the Hon'ble Member's question on the same subject put on the 11th July, the two books referred to in his present question were specified as permanent text-books. My observations that certain books were changed from year to year by the Department did not apply to these or to other text-books, in subjects other than Bengali literature, which are described as permanent in the statement.

"With regard to the two books named in the question—

(*a*) The book on Hygiene (*Swasthy Raksha*, by Rai Radhika Prasanna Mukherjee Bahadur, Inspector of Schools, Presidency Circle,)

[*Mr. Finucane.*]

has been prescribed as a text-book in that subject (not in Bengali literature, as the question seems to imply) for the Middle Scholarship Examination since 1880, and was in use in schools before that date.

(*b*) The History of Bengal, in Bengali, by the late Babu Rajkrishna Mukherjee, has been on the authorized list since 1875. For many years it was the only text-book approved by the Text-book Committee in that subject for the Upper Primary Standard, and consequently it was in general use, though not authoritatively prescribed. In the orders of Government No. 267, dated the 23rd January, 1894, it was for the first time prescribed as a text-book for the Upper Primary Examination.

"The Director of Public Instruction has already decided to remove from the permanent list the second of the two books named in the question, which is now to stand on an equal footing with the three other books on the same subject approved by the Central Text-book Committee, two of which, however, cover only a part of the course in History prescribed for the Upper Primary Standard.

"The first book named in the question has been selected as a permanent text-book on the recommendation of the Central Text-book Committee, who were requested by the Director of Public Instruction in December, 1894, at the instance of Government, to examine all the approved text-books on Hygiene and recommend one for permanent use. They reported unanimously in favour of *Swasthya Raksha*, by Rai Radhika Prasanna Mookerjea Bahadur. In conformity with their recommendation, the book, which had been in authorised use since 1880, in combination with the text-book prescribed by the Government of India, was again prescribed as the single text-book in the subject of Hygiene for the Middle Scholarship standard. The Lieutenant-Governor would have no objection to re-considering this question with the view of ascertaining whether it is now desirable to substitute another text-book in that subject, but in the first place there is no other text-book in Hygiene for that standard approved by the Text-book Committee, and in the second place, the whole question of the course in science, including Sanitation, for Upper Primary and Middle schools is shortly to be taken into separate consideration."

[*Mr. Bose; Mr. Risley.*]

COLLECTION CHARGES OF ROAD AND PUBLIC WORKS CESSES.

The Hon'ble MR. A. M. BOSE asked—

(*a*) Will the Government state the principle on which the amount of Rs. 44,500 was fixed in 1879, as collection charges on account of the Public Works Cess; and the total amount of collection on account of Road Cess and on account of Public Works Cess, as well the charges for collection for the two Cesses together, in the year 1879 and at the present time? Had the Government to incur any additional cost, on the imposition of the Road Cess, for the superior establishment concerned in the supervision and control of the collection of that Cess, and if so, how much?

(*b*) Will the Government be pleased to consider the propriety of placing the proportion between the collection charges for the two Cesses on a fairer basis than would appear to obtain at present, when the amount which is paid from the Provincial Revenues for collecting the Public Works Cess is less than *one-fifth* of that paid by the District Boards for collecting the Road Cess, the total amount of which is rather less than that of the Public Works Cess?

The Hon'ble MR. RISLEY replied:—

"(*a*) The principle on which the sum of Rs. 44,500 was fixed in 1879 was explained in my reply of the 11th July last, and is more fully set out in the following extract, paragraph 20 of Board's letter No. 498A of 18th July, 1878, and paragraph 2 of Government Order No. 2, dated 31st January, 1879:—

'20. It is evident from the reports and communications which the Board have received that most, if not all, District Road Cess Committees anticipate that Government will contribute from the Provincial Revenues half the cost of the establishments maintained for the collection of the two cesses. The Board are well aware that there are strong arguments that may be brought forward against this claim; but as the Road Cess establishments are required by the authority of Government to collect the Public Works Cess, and as even the semblance of illiberality in dealing with the local bodies which Government calls into existence to share in the work of local administration is to be deprecated, the Board would strongly advocate the dealing with this claim in a liberal spirit, and satisfying it so far as it is reasonable. Viewed in this light, its great defect is that it takes no account of the great assistance which Government already gives to the Road Cess establishments. In making the valuations the salary of the Deputy Collector, whose whole time was generally devoted to this work, was entirely

borne by Government. At the present moment a portion of the time of a Deputy Collector —a very large portion in some districts—is taken up with Road Cess work, to which has to be added a portion of the time of the Collector, the Commissioner, and the Board. It would be difficult to estimate what this amounts to with any accuracy, but it is very improbable that it would come to less than one-third of the establishment employed in collections, omitting of course the clerks and accountants of the District Board's office. If therefore the Government agree to accept the principle that the total cost, including the time of superior officers, should be shared between the two cesses, and do not require any more accurate estimate, the Board would advocate that in future the joint establishment for collection purposes should be borne two-thirds by the Road Cess Committee and one-third by the Provincial Revenues; this arrangement to take effect from the beginning of the Road Cess year 1878-79.'

'2. In reply, I am to say that the Lieutenant-Governor accepts the general principle of the proposal made in paragraph 20 of your letter No. 498A, dated 18th July last, viz., that one-third of the total cost of the joint establishments be borne by the Provincial Revenues and two-thirds by the Road Cess Committees; but instead of dividing the cost of the establishment every year, and paying a certain proportion to the Road Cess Funds, the Lieutenant-Governor would prefer to allot a fixed sum yearly from Provincial Revenues for each district, and thus obviate the necessity for calculating afresh every year the amount payable by Government.'

"In 1879-80 the collections on account of Road Cess amounted to Rs. 32,85,511, and on account of Public Works Cess to Rs. 35,66,947. In 1894-95 the receipts from Road Cess were Rs. 40,91,522, and from Public Works Cess Rs. 41,77,224. The charges for collecting the two Cesses were in 1879-80 Rs. 1,61,041, and are now Rs. 2,87,186. The additional cost incurred when the Road Cess was imposed for the superior establishment concerned in supervision and control cannot be stated without special enquiry which the Lieutenant-Governor does not propose to undertake.

"(*b*) The question of revising the existing arrangement will be considered in connection with the approaching revision of the Provincial Contract."

MARKS IN LOWER PRIMARY EXAMINATION.

The Hon'ble MR. A. M. BOSE asked—

Is the Government aware that the regulations prescribed for the Lower Primary Examination are much more stringent than those for the other examinations, inasmuch as in order to pass it (1) a student must obtain a minimum of 40 per cent. of the aggregate (except in Bihar, where the minimum is 33 per cent.), while the corresponding minimum needed for passing the Upper

Primary, the Middle Vernacular and the Middle English Examinations is only 25 per cent.; (2) he must obtain 25 per cent. in every subject or group of subjects in which he is examined, while for the Upper Primary, the Middle Vernacular and the Middle English Examinations, he has to keep 25 per cent. in only some of the subjects of the examination, no minimum being required in the other subjects?

Will the Government be pleased to reduce the burden on candidates of tender years who appear at the Lower Primary Examination by making its rules uniform with those for the higher examinations in the directions indicated above?

Will the Government also consider the propriety of removing subjects like (1) Mensuration of lines and plane surfaces, (2) Sanitary Primer, from the course of the Lower Primary Examination, confining it to Reading, Writing and Arithmetic, specially as Arithmetic in that Examination is a comprehensive subject comprising the fourfold division of (1) European Arithmetic (75 marks), (2) Native Arithmetic or Subhankari (75 marks), (3) Mental Arithmetic, European and Native (50 marks), (4) zamindari accounts (50 marks)?

The Hon'ble MR. FINUCANE replied:—

"The facts are as stated in the question. A higher pass mark is required at the Lower Primary Examination, because that examination is chiefly confined to the elementary subjects of reading, writing and arithmetic. Much of it is also conducted *vivâ voce*, which is a form of examination more favourable to candidates. That the standard is not unduly high is shown by a comparison of the results of that examination with those of the two next above it. At the Lower Primary Examination of 1895, 54 per cent. of the candidates passed, at the Upper Primary Examination 47 per cent., and at the Middle Vernacular Examination 59 per cent.

"With the exception of the Sanitary Primer, which has been introduced under explicit orders from the Government of India on account of its special importance to the rural population, all the other subjects of the Lower Primary standard form part of the traditional subjects of the old pathsala course. That course included the mensuration of lines and plane surfaces after indigenous methods, as the present course does. It is a subject of special value to agricultural pupils. In the opinion of the Government this and all other traditional subjects of the course should be retained."

[*Mr. Bose ; Mr. Finucane.*]

"SANITATION" A SUBJECT OF STUDY.

The Hon'ble MR. A. M. BOSE asked—

Is there any reason for including Sanitation as a subject of study in *every one* of the Departmental examinations, namely the Lower Primary, the Upper Primary, the Middle Vernacular and the Middle English Examinations?

Is there at any rate ground for including *two* books on Sanitation in the Upper Primary Course? Will the Government consider the propriety of removing at least one of these two different works dealing with the same subjects?

The Hon'ble MR. FINUCANE replied:—

"As stated in the answer to the previous question, the orders of the Government of India require that Sanitation shall form part of the course in Primary and Middle schools of every grade.

"In the Upper Primary standard, the 'Way to Health' is the text-book prescribed by the Government of India for all Provinces. The second text-book has been introduced as having special applicability to the circumstances of Bengal, in which the former is necessarily deficient."

PHYSICAL SCIENCE IN UPPER PRIMARY EXAMINATION.

The Hon'ble MR. A. M. BOSE asked—

Is it the fact that the subject of Physical Science, which is prescribed in the alternative for the Upper Primary Examination, is defined neither by syllabus nor by the naming of a text book? Will the Government be pleased to remove the inconvenience caused both to the teachers and the taught by this want of definition.

The Hon'ble MR. FINUCANE replied:—

"Though the course in Physics for the Upper Primary standard is not defined, the authorised list of text-books for that standard includes seven books in Physics, any one of which may be selected by managers of schools. The questions are so set that they can be answered from any one of these text-books."

[*Mr. Bose; Mr. Finucane.*]

NON-PROVISION OF APPARATUS FOR MIDDLE AND UPPER PRIMARY SCHOOLS.

The Hon'ble MR. A. M. BOSE asked—

Is the Government aware of the fact that almost without exception Middle schools and Upper Primary schools are wholly unprovided with apparatus or appliances for showing any experiments in connection with the teaching of Physics, and, as a matter of fact, the subject is taught without the help of experiments? Does it consider it any advantage to have that subject included in the curriculum for the Middle Vernacular and the Upper Primary Examinations under these circumstances? Would not such teaching be rather a useless burdening of the memory and likely to create a distaste for the subject?

Is it not the fact that in the course prescribed by the University the subject of Physics is introduced at a much later stage of a student's progress?

The Hon'ble MR. FINUCANE replied:—

"Elementary scientific teaching has always formed part of the Middle and Upper Primary standards, in accordance with accepted views as to the utility of that subject of instruction. It would be impossible to require the 6,000 schools of these classes in Bengal to provide themselves with apparatus, even of a simple character. Proposals are now under consideration for introducing a graduated course for Primary and Middle schools, to include —besides elementary notion of Physics—Natural History, Sanitation and Agriculture, illustrated as far as possible by object lessons.

"Science is introduced into Middle and Upper Primary schools, because the great majority of the pupils attending those schools complete their education at the Middle standard. In the University course elementary science forms part of the Matriculation standard, but the definite study of physics and chemistry is postponed to the First Arts stage, to which the great majority of matriculated students proceed."

UPPER PRIMARY EXAMINATION.

The Hon'ble MR. A. M. BOSE asked—

Is it the fact that a student may appear at the Middle Vernacular Scholarship Examination without previously passing either the Upper Primary or the Lower Primary Examination?

[*Mr. Bose; Mr. Finucane.*]

Is it also the fact that in the same way students have hitherto been allowed to appear in the Upper Primary Scholarship Examination without previously passing the Lower Primary test, but by a recent Circular (18—19 of 1894) this privilege has been withdrawn in the case of the Upper Primary Examination, no one being permitted to appear in it unless he has passed the Lower Primary standard? When does this change come into operation?

Will the Government be pleased to consider the desirability of continuing the present practice and not adding to the number of examinations in which a candidate for the Upper Primary Examination must appear?

The Hon'ble Mr. Finucane replied :—

"The facts are as stated in the question. The Circular referred to was issued in 1894 in conformity with the opinion of inspecting officers, who were practically unanimous in favour of requiring every boy of the third class of an Upper Primary school to appear at and to pass the Lower Primary Examination as a condition of promotion to the second class, and of subsequent admission to the Upper Primary scholarship examination. An Upper Primary school is merely a development of a Lower Primary school, and was always intended to teach the full Lower Primary course at the corresponding stage. It was found that some Upper Primary schools neglected these useful subjects of instruction, which do not form part of the Upper Primary standard. The order in question was intended to restore these schools to their original constitution, and to keep them as genuine Primary schools, rather than as mutilated Middle schools in which the interests of the agricultural population would be neglected. To make the passing of the Lower Primary standard a condition of eligibility for the Upper Primary scholarship is also in conformity with Sir George Campbell's intention, in framing a chain of scholarships by which the gifted son of a raiyat might be enabled to pass on to the highest University degree."

REFERENCES OF COURSES TO EDUCATIONAL CONFERENCE.

The Hon'ble Mr. A. M. Bose asked—

Is the Government aware of the feeling of dissatisfaction which has found expression in the Press as well as in public gatherings (*e.g.*, the Provincial Conference recently held at Kishnagar) against the burdensome character of

the courses of study prescribed at present, to the detriment, intellectual as well as physical, of the rising generation?

Will it be pleased to refer such courses, so far as the examinations conducted by the Government are concerned, for the consideration of a Conference such as recommended by the Education Commission, at which both official and non-official opinion may be adequately represented?

The Hon'ble MR. FINUCANE replied:—

"In reference to the first part of the question, I beg to refer the Hon'ble Member to the reply given to the Hon'ble Babu Surendranath Banerjee at the meeting of the Council held on the 11th July, 1896.

"In reference to the second part, the Lieutenant-Governor will, as intimated in reply to a question by the Hon'ble Member at the meeting of the Council held on the 28th March, 1896, be prepared to summon a Conference to consider educational questions of importance, whenever the need for such a Conference presents itself.

"The Lieutenant-Governor is not aware of any facts to warrant the statement that the course of studies prescribed has been, or is, to the detriment, intellectual or physical, of the rising generation. The Director of Public Instruction will, however, be consulted on the point. His Honour's attention has been separately called to the unnecessary expense that may be entailed on the poorer classes by frequent changes of text-books—changes which were originally intended to encourage the growth of healthy competition among authors,—and he thinks that it may be a question worthy of consideration whether the attainment of that object is worth the extra expense entailed on the poorer classes by frequent change of text-books. For this reason the Director of Public Instruction will be invited to re-consider the matter and report thereon for the orders of Government."

QUALIFICATIONS FOR VOTING AT MUNICIPAL ELECTIONS.

The Hon'ble BABU GURU PROSHAD SEN asked—

Will the Government be pleased to state whether, on the passing of the Bill to further amend the Municipal Act, III of 1884 (B.C.), at present before the Council, in its present form, Government intends to confer, by rule,

the right of voting at elections of Municipal Commissioners to all males who have been resident within the limits of a municipality for 12 months immediately preceding the date of election, and who have attained the age of 21 years, and—

(*a*) have paid during the municipal year immediately preceding the election an aggregate amount of not less than Re. 1-8 in all municipalities excepting Howrah, in respect of any of the rates or taxes imposed by the Act:

(*b*) have paid not less than Rs. 20 as rent in respect of the occupation by them of a holding which is assessed with the rate under section 85, clause (*b*):

(*c*) have paid fees for the registration of carts under section 143 of the Act.

DISENFRANCHISEMENT OF VOTERS AT MUNICIPAL ELECTIONS.

The Hon'ble Babu Guru Proshad Sen asked—

Have not all these classes of persons, (*a*), (*b*), (*c*), enjoyed the right of voting at elections of Municipal Commissioners for the last 12 years, and if all or any of these classes, are to be disenfranchised, will the Government be pleased to state what is their number, and why the right shall now be withheld from them?

The Hon'ble Mr. Risley replied:—

"The amendment of the election rules, which was rendered necessary by the passing of Bengal Act IV of 1894, is now under consideration. A revised draft of the rules has been circulated for opinion, and will be taken into consideration when the Bill to amend the Municipal Act has become law. The rules as now drafted leave the existing franchise untouched, except in Kurseong, where it is proposed to raise the qualification under section 15 (1) to Rs. 3. Several of the more advanced Municipalities have asked for a similar change, and their representations will be considered. The case of fees for the registration of carts is governed by the definition of 'rates' in section 15 of the Act, and is not affected by the rules."

[*Babu Guru Proshad Sen.*]

PURCHASE OF SONEPORE FAIR LAND.

The Hon'ble BABU GURU PROSHAD SEN asked—

Whether or not the District Board of Saran have, by a supplementary budget for the year 1895-96, sanctioned an expenditure of Rs. 36,068 for the purchase of that portion of the lands of Sonepore, in district Saran, which is yearly occupied, according to a letter of the Commissioner of the Patna Division, dated 1st December, 1894, published in the newspapers, "by the camps of the native gentry and European visitors" during the annual fair at Sonepore, and with respect to which the Hon'ble Mr. Risley, in his letter to the Commissioner, dated 16th July, 1895, also published in the newspapers, said "considering the immense demands on the funds of a District Board for roads, schools, hospitals, drainage, water-supply, &c., the Lieutenant-Governor hesitates to sanction such an expenditure on an object which is not of pressing importance, and which is mostly for the use of European visitors, and which benefits them only for a fortnight in each year"?

Whether the sanction of the District Board was not only provisional and subject, under Rule 40, Part IX of the rules passed by Government under section 138 of Act III of 1885 (B.C.), to the confirmation and approval of the Local Government, and whether the Local Government did confirm and approve of the provisional sanction of the District Board for this expenditure?

CURTAILMENT OF EXPENDITURE ON ROADS.

The Hon'ble BABU GURU PROSHAD SEN asked—

Whether on account of this expenditure, necessary expenditure on roads previously sanctioned has not been curtailed? And whether, on this account, the metalling and repairs of an important road from Siwan to Gopalganj sub-division could not be undertaken during the year?

[*Babu Guru Proshad Sen; Mr. Risley.*]

APPLICATION OF SECTION 100 TO PURCHASE OF LAND FOR SONEPORE FAIR.

The Hon'ble Babu Guru Proshad Sen asked—

Whether under clause 3, section 100, head Miscellaneous, under which District Boards are empowered "to hold within their district, from time to time, fairs and exhibitions of cattle, &c., and incur expenditure with the approval of the Commissioner," apply to acquisition of lands, as the Hon'ble Mr. Risley, in his letter quoted above, says "mostly for the use of the European visitors and which benefits them for a fortnight in each year" in such an old and well-established fair as the one held at Sonepore?

DATE OF NOTE BY MAGISTRATE OF SARAN.

The Hon'ble Babu Guru Proshad Sen asked—

The letter of Mr. Forbes, Commissioner of the Division, referred to above, states:—"The desirability of the retention of the site in question in the hands of the District Board is set forth in the accompanying copy of a note on the subject by yourself when Magistrate-Collector of the District of Saran, with which I need scarcely say that I entirely agree." Was this note drawn up after the sanction of the District Board was obtained, or before?

PROPOSED LIQUIDATION OF DEBTS PRIOR TO PURCHASE OF SONEPORE FAIR LAND.

The Hon'ble Babu Guru Proshad Sen asked—

Whether or not a member of the District Board, at the meeting when this amount was sanctioned by the District Board provisionally under the rules, did propose an amendment to the effect that the expenditure on the purchase of the Sonepore lands be postponed until the District Board debts were paid off? Was this proposal also submitted to Government? Did the Government enquire whether there was such debts owing by the District Board?

The Hon'ble Mr. Risley replied:—

"Replies to the questions will be given hereafter when the result of certain enquiries now being made is known."

BENGAL MUNICIPAL ACT, 1884, AMENDMENT BILL.

The Hon'ble MR. RISLEY moved that the Report of the Select Committee on the Bill to further amend the Bengal Municipal Act, 1884, be taken into consideration in view to the settlement of the clauses of the Bill.

The Motion was put and agreed to.

The Hon'ble MR. RISLEY also moved that the clauses of the Bill be considered in the form recommended by the Select Committee.

The Hon'ble MR. DAS said:—"The Report of the Select Committee, as well as the Bill as it comes from the hands of the Select Committee, contains a provision for taxing musical processions, or rather, as it is called, music in the streets."

The Hon'ble MR. RISLEY, interposing, said:—"It is usual to take the amendments in the order in which they are set down in the agenda of business."

The Hon'ble MR. DAS continued:—"I am not now moving an amendment. I am objecting to a portion of the Report of the Select Committee being taken into consideration by the Council. My objection amounts to a point of order. I shall presently explain myself. This provision to tax music in the streets was not in the Bill when it was introduced on the 28th March, 1896. Then the Bill was referred to a Select Committee, and the opinions of public bodies were invited upon its provisions. Subsequently two Government Circulars were issued, one of which was directed to Commissioners of Divisions and the other to certain public bodies—certain Associations—inviting their opinion upon certain points, one of which was a proposal to tax musical processions."

The Hon'ble THE PRESIDENT said:—"Do you not think it will be more in order to make your remarks when you come to move your amendment with regard to the particular section of the Bill relating to musical processions? I think the work of the Council will be advanced by proceeding in the order in which the amendments are mentioned in the agenda list."

The Hon'ble MR. DAS said:—"If the President rules that I am out of order, I bow to his decision. My objection is that that part of the Select Committee's report is not in order and cannot properly be considered by the Council."

[*Mr. Risley ; Mr. Das ; the President ; Rai Eshan Chundra Mittra Bahadur.*]

The Hon'ble MR. RISLEY said:—"The motion now before the Council is purely a formal one which brings the whole subject of the Bill into consideration. What my hon'ble friend now proposes is to negative a section of the Bill which introduces the provision to which he objects. The proper time for these remarks is, I submit, when his amendment to that provision of the Bill comes on for consideration."

The Hon'ble MR. DAS said:—"I am not now going to move an amendment. I say that that portion of the Select Committee's report is altogether *ultra vires*. It was not in the Bill which was referred to the Select Committee, and it was not competent to them to report upon a subject not in the Bill. By this provision a new tax is imposed. The Rules of the Council distinctly say that no Bill can be introduced unless by leave of the Council first obtained."

The Hon'ble THE PRESIDENT said:—"I think it will be open to you or to any other Hon'ble Member to move that the section of the Bill relating to this tax shall not be passed, but I think you are distinctly out of order in raising that question now. We will therefore now proceed with the business according to the order in which the amendments appear on the list."

The Motion was then put and agreed to.

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR moved that the following additional proviso to paragraph 2 of section 14 of the Bengal Municipal Act, III of 1884, be inserted:—

'Provided further that the Commissioners to be appointed by the Local Government shall be male persons residing or paying rates in the municipality who have attained the age of twenty-one years.'

He said:—"I find that an amendment to introduce substantially the same provision in section 15 of the Bill has been put on the business list by the Hon'ble Mr. Bose. I thought such a proviso ought to come properly under section 14, but I leave it to the Council to adopt the amendment either under the one or the other section. In moving this proviso I shall not detain the Council with any lengthy remarks. The principle which I advocate is one that has been recognised in section 15 in respect of the election of representative Commissioners. I submit that people who live in the midst of a municipality or who pay certain rates have a subsisting interest in the adminis-

tration of municipal matters, and they are more likely to take an intelligent interest in the determination of municipal questions than persons who have no stake. Under the section as it stands—I mean section 14—the Local Government can appoint a minor to be a Municipal Commissioner. A minor is incapable of entering into contracts, but there is no restriction of any sort here provided, so that even a female is not disqualified under this section, and even persons resident outside municipal limits can be appointed. I submit that the Council will not question the principle which I advocate. I advocate nothing more than this—that the same qualifications which are necessary for the election of candidates should be made applicable to the appointment of Commissioners by the Government. I do not mean to say that the Government will exercise its discretion capriciously or whimsically or arbitrarily, but what I do contend for is this, that an executive Act is different from a statutory provision, and that when the Council is amending the law, advantage should be taken to introduce in the Act provisions in respect of appointment, similar to those which have been introduced in respect of the election of candidates. The principle for which I contend is not a new one. It has been adopted in the Calcutta Municipal Act in which similar provision has been made for the appointment by Government of Municipal Commissioners, and if restrictions as to age and sex and the fact of residence and the payment of certain rates are imposed in a place like Calcutta, I think this provision should with greater strictness be adopted in the Mufassal Municipal Act; and I contend that this is a proper opportunity to introduce such a principle here."

The Hon'ble MR. A. M. BOSE said:—"I will accept the result of the discussion on the motion which has just been made as conclusive in respect of the amendment of a similar character of which I have given notice in reference to section 15."

The Hon'ble MR. RISLEY said:—"My first objection to the amendment is that it comes too late. At any time within the last twelve years, since 1884—and certainly at any time within the last four years, since 1892, when the Municipal Act came under amendment and was carefully considered—during the whole of that time it was possible for such an amendment to be brought forward. Had the Hon'ble Member even made this proposal in April last,

when the Bill was referred to a Select Committee, this question would have been submitted to the District Officers and Municipalities and to various other public bodies, and the Council would have had the benefit of opinions which would have enabled the Members to come to a decision on the merits of the subject. No doubt the Hon'ble Member is aware that this idea has only recently been brought forward. It arose from an individual case, and I think I can myself pretty closely fix the origin of it. A gentleman of the legal profession, who is interested in a Municipality near Calcutta, pressed me very strongly to move this identical amendment. I then declined to do so precisely for the reason I have now given, namely, that it is out of time. The Select Committee had submitted its report, and the subject could not now be properly considered. In the course of the discussion I had with that gentleman, he made it extremely clear that his reason for wishing for this amendment was intimately connected with his desire to exclude a particular individual from being appointed a Commissioner of a certain Municipality. He explained that this gentleman had been nominated because he was somebody's cousin, and that that should not be tolerated. I submit that an amendment which is clearly connected with a purely personal question is *primâ facie* to be regarded with some degree of suspicion.

"Furthermore, on the merits of the question there is this to be said. The Municipal Act of 1876 contained a provision substantially identical with that now proposed. That Act provided that 'no person who is not an owner or occupier of land in the Municipality shall be appointed or elected a Commissioner in such Municipality.' Before we proceed to take any action in this matter, I think it is desirable to ascertain why the Select Committee of the Council, which considered the Bill which was passed in 1884, when the enthusiasm for the principle of Local Self-Government was in full flush, thought proper to strike out the provision on this subject which was contained in the Act of 1876. The provision in question was a conspicuous one, and the presumption is that they struck it out advisedly, and that it was not a mere mistake in drafting.

"However, apart from this, there are objections on the merits of the question. Is it in the least likely that the Government will appoint a school-boy to be a Municipal Commissioner, and as to the age of 21 years, no particular virtue attaches to it, because in point of fact, by the Indian Majority Act, IX of 1876, the age of majority, except in certain special cases, is fixed at 18. Then as to the question of residence, I can conceive a case—and I believe most Hon'ble Members

can conceive similar cases—in which the effect of the proposed restriction would deprive the Municipality of certain very able members. I believe that to be the case; but unfortunately, owing to the want of time, I have not been able to make further enquiries on the point; but I believe that the best work done in the petty municipalities around Calcutta has been done by people who live in residential houses in Calcutta, but who are nominated by the Government to work in those municipalities simply by reason of their special aptitude for the work, and it would be a great misfortune to those municipalities if such persons were excluded from nomination by the Government. As for the question of limiting the provision which confers upon Government the right of nomination to persons of the male sex, such things move very slowly; but are *both* the Hon'ble Members who are interested in this amendment certain that at no distant date educated native ladies may not claim a privilege which has actually been conferred on members of their sex in England?"

The Hon'ble BABU SURENDRANATH BANERJEE said:—"I agree with the Hon'ble Member in charge of the Bill that it is somewhat late in the day to bring forward this amendment, and that it would have been a distinct advantage if the matter could have been considered in Select Committee and a provision formulated on the subject. But at the same time I venture to point out, for the consideration of the Hon'ble Member in charge of the Bill, and for the consideration of the Council, that, admitting that the matter comes up rather late for discussion, that ought not to be allowed to stand in the way and prevent our taking it up. The whole question is whether it is a desirable amendment or not. That really is the issue before the Council. Possibly, as has been pointed out by the Hon'ble Member in charge of the Bill, this amendment, as far as the person is concerned who suggested it, and who interviewed Hon'ble Members in connection with it, arose out of personal motives, but Hon'ble Members must know that oftentimes personal grievances prompt most valuable reforms, and that though we may object to the circumstances under which an amendment is put forward, the real question which we have to consider is whether the amendment is a desirable one or not. The Hon'ble Member in charge of the Bill has stated, and we know it as amatter of fact, that gentlemen living in Calcutta, who have been Municipal Commissioners of mufassal towns have done great service to those Municipalities. But in every instance they were elected members of the Municipalities concerned. They were residents

in the sense in which the word is used in the rules for the election of Municipal Commissioners, and they were duly elected by the rate-payers. I might instance the case of the late Dr. Troylukho Nath Mitter, who, though living in Bhowanipore, was an elected Commissioner of the Serampore Municipality, and was its Chairman. Again, take the case of the late Babu Bipro Dass Banerjee, Chairman of the Barasat Municipality, who also did great service as Chairman; but while residing in Calcutta he had a house at Barasat and he was therefore a 'resident' under the rules, and was an elected Commissioner. I take it that local interest is the essence of Local Self-Government. A man must feel interest in a Municipality with whose affairs he happens to be connected. But if the Government in its discretion wish to appoint an outsider, he cannot possibly feel the same degree of interest in the affairs of the Municipality as a person who is a resident within the meaning of the Act. I have heard complaints in respect of this matter, and let me mention a concrete case—the case of a gentleman connected with the Titaghur Municipality. This was not a case of a personal grievance, and, if it was, it has the complexion of a public grievance. A gentleman living in Titaghur has been appointed a member of the South Barrackpore Municipality. There is not much love lost between the two Municipalities. Titaghur was withdrawn from the South Barrackpore Municipality after a stern fight. This gentleman was appointed by the Government—I don't wish to challenge the appointment—as a member of the South Barrackpore Municipality, although he is a non-resident and a resident of Titaghur. It has been represented to me that his presence at the meetings of the South Barrackpore Municipality is at times a source of some little embarrassment to the members of that Municipality. I do think the Government ought to surrender its discretion in this matter. The Government did so in the Act of 1876, which has just been read to us. Under that Act nobody could be appointed by the Government as a member of a Municipality, unless he was a 'resident' of the Municipality. I think that was a wholesome provision, and I hope the Government will not take their stand on the lateness of the amendment, but will accede to the Hon'ble Member's proposal, and amend the Bill accordingly."

The Hon'ble Mr. A. M. Bose said:—"I should have somewhat wavered in my loyalty to this amendment if there were any foundation for the prospect, vaguely referred to in the concluding remarks of the Hon'ble Mr. Risley, of

lady members gracing municipal meetings. But as that hope has not been held out, and as in the proceedings during the last twelve years no indication of that graceful desire on the part of the Government has been afforded, I think I shall be true to the amendment of which I have given notice. I entirely agree with my hon'ble friend, Mr. Surendranath Banerjee, that the question is not whether this amendment comes late or not, but whether it is a necessary and a proper amendment, whether it is an amendment which would be likely to strengthen the working of the Act. This is a matter which involves a simple question of principle; it is not buried or lost in a variety of details or a mass of facts. We have had the amendment before us for some time, and I may be permitted to say that the reference which the Hon'ble Member in charge of the Bill made to the fact that this provision existed in the Act of 1876, is to my mind an argument in favour of the amendment and not against it. The Hon'ble Member said that in the Act of 1884 this old provision of the Act of 1876 seems somehow or other to have dropped out. Surely the necessity for the introduction of the very Bill, now before the Council, might show to the Hon'ble Member that sometimes omissions or mistakes do take place through pure inadvertence. And there may possibly have been also this consideration that, as in 1884 for the first time the privilege of election was conceded to municipalities in the Mufassal, it was thought desirable that the Government should keep in its hands the absolute and unrestricted power of nomination. Since then twelve years have passed and the Act has been admitted on all hands to have been, on the whole, a success, including those who had some misgivings at its first introduction; and I submit the time has now come when the unrestricted power should be limited and defined in the manner now proposed. If the Government were able in 1876 to select the whole number of Commissioners from amongst the rate-payers of a municipality, it was not a compliment either to them or to the municipalities to say that in 1896 they could not select *one-third* of that total number from the rate-payers.

"Then coming to the merits of the amendment, I beg in the first place to say that it does not in the slightest degree imply any want of confidence in the Government. On the contrary I firmly believe that according to the light and the information placed before the Government, which sometimes is perhaps a limited light because the Local Government has no direct means of knowing all the facts, the Government has done and will continue to do its very best.

But it is a question of principle which is desirable in itself, and which is recommended by experience. In this connection I would also make this observation, with reference to what fell from the Hon'ble Member in charge of the Bill, that I support this amendment not because any individual may have a grievance—on that point I am not competent to say anything—but I support it on general grounds, I support it because I believe this provision would tend to the advantage of the municipalities and the strengthening of their working. As I have already said, the Government undoubtedly endeavours to exercise its discretion in the best way, but I would ask what is the reason that in the case of elected Commissioners, the limitation of residence or payment of rates is required. It cannot be on the ground of want of confidence in the rate-payers; for then they would not have the privilege of electing at all, but because it is practically admitted that nobody should be on the Commission unless he has some link of connection with the municipality either by residence or by possession of property within its limits. That is the only justification for the limitation in the case of elected Commissioners, and that, after 12 years' experience, ought to be, I submit, the guiding principle in regard also to the nomination of Commissioners. Surely within the limits of a municipality the Government can have no difficulty in getting one-third of the Commissioners who are competent and qualified under the rules for election. In the case of the Calcutta Municipality that restriction as regards nominated Commissioners exists; they must either be resident or pay certain rates. I submit that in the case of Mufassal Municipalities the same reason exists, perhaps even to a larger extent; because owing to easy accessibility to Calcutta, people living outside Calcutta might easily transact business, and have some acquaintance with the various wants and circumstances of the town. But in the case of Mufassal Municipalities that would hardly be the case, and it was therefore more desirable that no one should be elected or nominated a Commissioner who is not either 'resident' or does not pay rates in the Municipality. Now that this amendment is before us, we should lay it down that the gentlemen to be appointed Commissioners must have some interest in the Municipality, some stake in its welfare, in one or other of the ways indicated in the amendment. In the interest of the Municipalities themselves, I hope this amendment will be accepted."

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR said:—"I have to offer a word or two of explanation in justification of the vote I propose to give

in connection with the question raised in this amendment. No doubt, I am not prepared to differ from the broad proposition that, generally speaking, it is fairly reasonable that persons who are to have a voice in the management of municipal affairs should be those who have some interest in the well-being of the Municipality either as residents or as rate-payers. And if there had been absolute harmony and an absence of race-feeling in the Municipality, I would have joined hands with the Hon'ble Members who have spoken in favour of the amendment; but it is impossible for us to shut our eyes to actual facts and to the state of feeling in the mufassal, and to put the matter mildly, it is a subject of regret that there should be some little want of harmony between Hindus and Muhammadans. There are places where the Muhammadans ought to be represented in larger numbers, and I regret to say that they are not appropriately represented for fault not their own. It is therefore in every way desirable that Government should have power and should be in a position to restore or maintain the equilibrium between the two classes as the case may be. There must be sufficient discretion left in the hands of the Government to be exercised as occasion arises. I would strongly advocate the desirability of Muhammadans having a fair share in the administration of municipal affairs in the mufassal, where that community preponderates. When principles and theories lead to conflicting results, that principle which is most expedient and least mischievious in its results should be adopted. All theories must be tested by facts. It is undesirable in the protection of Muhammadan interests that I should support a proposition simply because it sounds well when read and reads well on paper. The provisions contained in section 14 of the Act have now been in existence since 1884. During the whole of this time no instance has been brought forward of misuse of the power. And apart from other views I think the very interests which are appealed to require that the existing provisions should be maintained. It may be that a case might arise where, for the protection of the interests of the Municipality itself, it might be necessary to appoint an outsider and to take full advantage of the wide power given by the section in question. I would therefore vote against this amendment."

The Hon'ble MR. PRATT said:—"Although at first sight this amendment does seem to be both moderate and reasonable, still I feel constrained to vote against it on two principal grounds. In the first place, as has already been remarked,

this amendment has been somewhat abruptly brought before us. No notice has been given to the municipalities interested with regard to this question, and we have not had full opportunity of making enquiries regarding it. As has been already pointed out, this Council, after due deliberation, struck out from a former enactment, the provision which it is now proposed to re-introduce, and I should like to be in possession of the reasons which induced this Council to act as it then did, before I give my vote in favour of such an amendment. In the next place I believe it is the practice at the present time to appoint the Sub-divisional Officer to be a Commissioner of Municipalities which are not necessarily situated at the head-quarters of the sub-division; and I should conceive that no more fit individual could be appointed a Commissioner by the Government for such municipalities. And we can also quite understand that in the case of young and budding municipalities, instances will occur when it would be advantageous to appoint as Commissioners public-spirited men who, though not residing in a particular municipality, yet take a real interest in its affairs. Therefore I say that for these reasons I am not prepared to give my vote for this amendment. Perhaps on some future occasion, and when more information on the subject is placed before the Council, a provision of this kind may be accepted, but at present I feel constrained to vote against the amendment."

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR, in reply, said:—"I was rather surprised to hear the Hon'ble Member in charge of the Bill raise a suspicion, for which there was absolutely no ground. I can assure the Hon'ble Member that nobody called on me for this purpose. I considered it a necessary amendment, and I put it forward for the acceptance of the Council, and I regret that such an observation should have been made. Certain persons might have called on the Hon'ble Member, but I say that nobody called on me on the subject. As regards the question which has been raised by the Hon'ble Mr. Pratt that the Sub-divisional Officer may be very useful as a Commissioner of a Municipality, I say it is difficult to imagine that a Sub-divisional Officer could not be paying some rates. Therefore I have used the words 'residing or paying rates.' He might possess a horse and carriage for instance, and, as I have said, I can hardly imagine that he would be excluded under this provision. It does not provide that rates must be paid for the previous twelve months or anything of that kind, or that he must be a resident, but merely 'residing.' As to the

[*Rai Eshan Chundra Mittra Bahadur; the President.*]

objection that this amendment comes late in the day, I submit it is not a question of fact but a question of principle, and as the principle was admitted in the previous Act, I submit there is no reason why it should not be admitted in this Bill."

The Hon'ble THE PRESIDENT said:—"I do not wish to detain the Council by any lengthy remarks, but I myself am inclined to agree with the Hon'ble Member in charge of the Bill that this amendment has come upon us rather suddenly at the last moment. We have had no opportunity of consulting Local Municipalities, and of considering the matter in the Select Committee, of which I was a Member. It has been strongly brought to notice that no inconvenience has arisen from this power which has remained in the hands of the Government for the last twelve years. It was also said by the Hon'ble Member in charge of the Bill, that he is not aware of the reasons which actuated the Council, when passing the Act of 1884, to change the provision of law as it existed in the Act of 1876. Neither am I in that position, nor should I be without studying the debates of the Council. I may, however, be able to throw some light on the subject. The change may possibly have been introduced in view of the circumstances of the many small municipalities in the 24-Parganas, and on the other side of the river for which it was not always possible to secure suitable Commissioners or the most suitable Chairman among the residents. In the case of the Serampore Municipality, the right of Dr. Troylukhonath Mitter to be appointed a Commissioner was, I believe, challenged, he being a non-resident, but in the interests of the Municipality his appointment as Chairman was considered extremely desirable; and in my own case I once remained a Commissioner and Chairman of an important Municipality, though I had ceased to be a resident; but if the section of the Act of 1876 had been retained, it would have removed me from those posts; but whether that would have been an advantage to the Municipality or otherwise it is not for me to say. There is an instance within my knowledge where, owing to some rule of the High Court that Munsifs shall not be appointed Chairman of Municipalities, it was impossible to find a proper person to be Chairman within the limits of the Municipality itself, and where as Commissioner of the Division I solved the difficulty by suggesting the appointment of a person to be the Chairman, who was residing at a distance, and who was in no way connected with the Municipality. So that the law, as it now stands, has a superior advantage,

whereas if we alter it now it might possibly have a disadvantage which might interfere with the very working of the Municipal Law. I have no doubt instances will occur to other Hon'ble Members of persons living in Calcutta, who have some interest in neighbouring municipalities and are willing to devote a portion of their time and attention to the affairs of such municipalities."

The Motion being put, the Council divided:—

Ayes 5.	*Noes 10.*
The Hon'ble Mr. Das.	The Hon'ble Mr. Wallis.
The Hon'ble Babu Guru Proshad Sen.	The Hon'ble Mr. Gladstone.
The Hon'ble Rai Eshan Chundra Mittra Bahadur.	The Hon'ble Maulvi Muhammad Yusuf Khan Bahadur.
The Hon'ble Mr. Bose.	The Hon'ble Nawab Syud Ameer Hossein.
The Hon'ble Babu Surendranath Banerjee.	The Hon'ble Rai Durga Gati Banerjea Bahadur.
	The Hon'ble Mr. Glass.
	The Hon'ble Mr. Finucane.
	The Hon'ble Mr. Risley.
	The Hon'ble Mr. Pratt.
	The Hon'ble Mr. Grimley.

So the Motion was negatived.

The Hon'ble MR. A. M. BOSE, by leave of the Council, withdrew the following motion, identical with the one just disposed of, of which he had given notice:—

That in section 3 of the Bill, after sub-section (1), the following be inserted:—

"(1) After the words 'for election to be a Commissioner of such Municipality in the paragraph following the first proviso to section 15, the following shall be added, namely:—

'And no one, unless he is a male person, who has attained the age of twenty-one years, and either resides or pays rates in the Municipality, shall be deemed qualified for nomination as such Commissioner.'"

The Hon'ble BABU GURU PROSHAD SEN also, by leave of the Council, withdrew the motion of which he had given notice that in section 3, clause (*i*) of the Bill, for the words "three rupees" the words "one rupee and eight annas" be substituted.

[*Mr. Bose.*]

The Hon'ble MR. A. M. BOSE moved that in section 3, clause (*i*), after the words "three rupees," the following words be added:—

"in Howrah, and one rupee eight annas in any other Municipality."

He said:—"The principle of this amendment is that legislative sanction should now be accorded to the rules which have been framed by executive authority, which have been fully tested in operation for many years, and in regard to which there has been no complaint. Let me at the outset most fully admit that the provision of the law, as it now exists, was necessary at the time when the Act of 1884 was passed. At that time a maximum qualification was fixed, and the lower limit was left to be determined by the Government on the result of enquiries to be instituted by it. There was not then sufficient information before the Council to enable it definitely to fix what ought to be the rate of qualification in the Act itself. A maximum was laid down; and after that the Government set on foot enquiries, as the result of which certain rate-paying qualifications have been introduced and given effect to. No complaint, either in the Press or in any other way, has been made that the qualification, as it had been framed by rule, is liable to objection; therefore I ask that the qualification which has been so fixed be now embodied in the law. I fully express my gratitude to the Government that in spite of the limit of three rupees provided in the Act of 1884, they reduced it so as to place the franchise on a broader and wider basis; and I submit that the time has now come and the present opportunity should be taken advantage of, to fix that qualification by law. A vitally important matter like the qualification of voters ought to be determined by the Statute itself unless there are indeed strong reasons to the contrary. But no such reasons now exist, or can even be alleged to exist. I submit that the experience of the past does afford grounds for taking as the basis of legislation what the rules have so long laid down; that it ought not to be left to executive order to determine who shall have the franchise, but it is the duty of this Council to decide the question. I would leave the explanation as it is proposed by the Government, namely, reserve to the Government the power, if they think it necessary, to reduce the qualification still further in any case which seemed to them to require such reduction or to meet the case of newly-created municipalities; but subject to that provision, whatever qualification has been found by these twelve years' practical working to be expedient ought to be introduced in the Act; and this is

what my amendment proposes to do. I will not trouble the Council with all the opinions which have been sent in favour of this amendment; but one opinion I shall venture to place before them because it is the opinion of a late Secretary to the Government and a Commissioner of Division, and one of the most distinguished Members of this Council. I refer to Mr. Buckland. He says:—

'With regard to section 3, (1), (2), (3), the Chairman of the Vishnupore Municipality writes that under the rules the right to vote has been extended to persons who pay rates to the amount of Re. 1-8, while under the Act the right is given to those who pay Rs. 3. The law should, he suggests, be brought into conformity with the rule and practice founded upon it. This appears to be worthy of consideration.'

"The British Indian and other Associations and public bodies have also supported this proposal. I say therefore that it is worthy of serious consideration that we should not leave this question of franchise to be decided by executive rules, but should bring the law and the practice into harmony with one another. I am told that besides the Municipality of Howrah, in the case of the Cossipore-Chitpore Municipality, the qualification has been raised to Rs. 3, and I have no objection to an exception being made in favour of that Municipality as well. But let not this important matter be left to be from time to time decided by the Government. It may be that long years hence the time may come for another important departure. Possibly by that time there would be occasion to revise this Act on other grounds also; but until that time comes I submit that the law should be brought into conformity with the practice, as established by rule—a practice which has been tested and not found wanting by the experience of the last twelve years."

The Hon'ble BABU GURU PROSHAD SEN said:—"There are some cases in which we are told the rating qualification of voters has been raised. Besides the case of the Municipality of Howrah, we now hear that in the Cossipore-Chitpore Municipality the rating qualification has been raised to Rs. 3. That is a solitary case, but we have not heard of any case in which the rate fixed by the rule at Re. 1-8 has been lowered. So far, therefore, it has been a success, and that is a good reason why the rating qualification should now be fixed at that rate in the law. There has been no case in which, after the passing of the rules, the Government have thought fit to lower the franchise, but it has been thought fit to raise it in one case. Therefore I submit that it will be one of the strongest safeguards for the present franchise if, by an Act of the

Legislature, the rating qualification is fixed at the lower rate by the law and not left changeable by the action of the Executive. Section 15 of the Act may be read in two ways. The word there used is 'qualification.' It may be qualification according to money rate or qualification according to age. I do not mean to say that the Government would ever think of doing so; but there is nothing to prevent them from raising the rating qualification, if they think fit, to Rs. 3 in the case of every Municipality in the Province. In that case large numbers of people, who have been enjoying the franchise for the last twelve years, will have been disenfranchised. Under the rules there are two classes of voters, those who pay rates to the amount of Re. 1-8, and those who pay a rent of not less than Rs. 20; and there may be danger of the franchise being lowered still more, and you swamp the present real body of voters who come under the Rs. 3 rule. But if instead of swamping them thus you bring down the franchise to Re. 1-8, the effect will be that the Re. 1-8 men will then be the real voters under the law. Their number would be, I think, three times as many as the number of those who pay Rs. 3. Therefore, I submit it is but fair that the Legislature should fix the maximum amount of rates on the payment of which a man will be entitled to vote in conformity with the rules which have been in force for the last twelve years."

The Hon'ble MR. RISLEY said:—"I have watched with interest for the last half hour the efforts of my hon'ble friend, the member for Dacca, to ride two horses at the same time. The feat has been attempted before, but its difficulty is proverbial, and it takes a very old Parliamentary hand to do it really well. For the cause which has led my friend into this unfortunate position we must go back to an earlier meeting, when the Bill was referred to a Select Committee. The Council will remember that the Hon'ble Member's sense of the legal fitness of things suddenly became very tender. He was shocked at the supposed discordance of the law and the rules, and urged that they should be reduced to harmony. I endeavoured to the best of my ability to relieve his mind by pointing out, not on my own authority, but on that of the Hon'ble the Advocate-General, that there was no discord at all, and that under these circumstances this passion for harmony was a little out of place.

"My friend, however, stuck to his point in Select Committee, and after much discussion we eventually drafted the explanation which stands in the

Bill. We did this, not because there was or ever has been any doubt in the minds of lawyers as to the meaning of the law as it now stands, but because it appeared from the opinion that this section had been misunderstood by some people, and in an Act which is worked to a great extent by Municipal Commissioners it seemed desirable to go out of our way to be clear. The explanation I submit leaves nothing to be desired in point of clearness. I have discussed it with the Hon'ble the Advocate-General, and I have his authority for saying that it adds nothing to the law and takes nothing away. It merely adds to the section an explanation in popular language of what the section really means.

"So far, the Council will see, there was not, nor has there been up to the moving of this amendment any suggestion of changing the law. My friend gave no indication of any such intention in Council. He expressly disclaimed any such intention in Select Committee. His soul only pined for harmony. Now he has got it in the form of the explanation; but still he is not happy and like a familiar personage in fiction he 'asks for more.' He wants to make a sweeping change in the law. He wishes to fix and stereotype the existing Municipal franchise and to prevent the possibility of its being changed except by the tedious process of legislation. That is what my friend's amendment really means. He has endeavoured to obscure the fact in his note of dissent which so curiously distorts the true position of the case that I must examine it a little. He says the qualification of voters is an important point. Granted. He goes on to say 'this point it is proposed to leave to the Executive Government to settle.' But is it possible that so learned a lawyer does not know that this power which he writes of as if it had been invented yesterday has, in fact, been exercised by Government for the last 20 years—in fact, ever since the passing of Bengal Act V of 1876, section 16 of which is practically identical with the first part of section 15 of the present Act? It is admitted that this power has been wisely used, no complaint as to the manner of its exercise has ever been made, and at the present moment, as I said just now, in reply to my hon'ble friend's question, the Government has before it several applications from some of the most advanced and intelligent Municipalities asking us to exercise this power by raising the voting qualification from Rs. 1-8 to Rs. 3 by doing in fact exactly what the Hon'ble Member wishes to render impossible.

"Again, my friend says 'if rules were to be the guide, there was no use whatever in bringing this matter of amendment of the Municipal Law before

the Legislature.' But who brought it before the Council? Why my hon'ble friend himself, who insisted on the removal of an imaginary discord, and by the whole tenor of his speech, gave us to understand that he advocated no change in the substantive law.

"Now if my hon'ble friend had followed the proper course—the course which fairness and common sense indicate—he would have stated either in Council or in Select Committee what his real intention was, and we could then have taken opinions on the subject and have ascertained the views of District Officers, Municipalities, and Associations on the subject. It is neither seasonable nor reasonable to spring so large a change on the Council at the last moment.

"I may add that the amendment introduces so material an alteration in the Bill that would in any case be necessary to report it to the Government of India. If we adopted it now with no further consideration and no further evidence than is now before us, it is extremely probable that His Excellency the Viceroy would refuse his assent to the Bill.

"My friend says in his dissent that there is no hurry about the measure. That, as I explained on a former occasion, is not the case. Under the law the Municipal elections come on in November next. We must, therefore, pass this Bill in the present Session of Council, and we can only do so by declining to consider contentious amendments moved at the eleventh hour.

"So far I have stated what may be called preliminary objections to the amendment. These in themselves are obviously conclusive, and I might fairly stop here without going into the merits at all. To complete the case against the amendment, I may observe in the first place that the proposed change is unnecessary; in the second, that it would be inconvenient.

"On the first point I am content to rely on the authority of the Select Committee of 1893-94. That Committee may be described, so far at any rate as the non-official members are concerned, as a Committee of all the talents. It numbered among its members my hon'ble friend Babu Surendranath Banerjee, whose experience of municipal administration is large and varied: my friend Sayad Fazal Imam, the energetic Vice-Chairman of the great Municipality of Patna, and Mr. Lal Mohan Ghose, whose tact, common sense and knowledge of public business proved invaluable. In fact, you may say of it, as was said of the

Master of Balliol, that what that Committee did not know was not knowledge. Their attention was expressly called to the provisions of section 15 by the proposal to raise the amount qualifying for a vote in clauses (1) and (2) from Rs. 3 to Rs. 5. They had before them the opinions of 54 Municipalities and representative institutions, of whom 21 were in favour of the Re. 1-8 qualification, 23 in favour of raising it to Rs. 5, and 10 in favour of raising it to Rs. 3. But neither the Committee nor the persons who gave opinions proposed to change the law in the manner now suggested, and the opinions bring out very clearly the fact that different municipalities may in this matter require different treatment.

"That is the common sense view, and that also is the answer to the attempt to appeal to English precedent. We have in Bengal already 148 Municipalities, and the formation of others is under consideration. These Municipalities vary in size and importance from Howrah with a population of 116,000, of whom 16,000 are rate-payers, and a yearly income of nearly three lakhs, to Nalchiti, in Backergunge, with 1,645 inhabitants, 265 voters, and a yearly income of Rs. 1,908. Is it in reason to compare this state of things to the state of things that prevails in England? Can it seriously be argued that it should be made impossible for the Government to change the voting qualifications of Nalchiti without passing a special Act, that such a very big steam-hammer should be employed to crush such a very tiny nut? After all it is some objection to a proposition that it is absurd."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"No one could have listened to what has fallen from the Hon'ble Member in charge of the Bill without coming to the conclusion that there is a great deal to be said on the other side of the question. It is a question which admits of considerable difference of opinion. I have talked with persons versed in municipal affairs, and I have heard opinions expressed adverse to the view embodied in the amendment. I therefore think we ought not to come to the conclusion that any one who differs from the amendment of my hon'ble friend is necessarily an enemy of Local Self-Government or a traitor to the best interests of his country. I think differences of opinion in a matter like this are legitimate and may be expected. The Hon'ble Member in charge of the Bill has referred to the discussions which took place in the Select Committee of 1894, and has paid a compliment to the Select Committee for which I beg to tender my acknowledgments. This question was the subject of most careful and anxious deliberation.

[*Babu Surendranath Banerjee.*]

We contented ourselves by keeping the law as it was, and my reasons were these: An attempt was made to raise the maximum rating qualification from Rs. 3 to Rs. 5. I thought discretion was the better part of valour, and we thought we gained a point by keeping the qualification as it stood in the Act. That was the *raison detre* of the vote which I gave on that occasion. This matter was considered very carefully by the Select Committee on this Bill. In fact I suggested the amendment which has now been placed before the Council, and a compromise was effected, which is embodied in the Explanation. If you read the original Bill introduced in March 1896, and compare it with the present Bill, you will find that the original Bill does not contain this Explanation. It was the result of a compromise which was come to on the discussion of the amendment I suggested. It reproduces what is really the present state of the law, and will, I have no doubt go far to popularize the Bill. At the same time I admit it would be advisable to stereotype in the law the concession which has been made by the Local Government in the rules which it has framed. The franchise has been deliberately lowered to Re. 1-8 with very few complaints. Here and there there have been complaints, and in the nature of things complaints were bound to be made, having regard to the number of Municipalities and the differences between them in respect of their size, their resources and other circumstances connected with them. But the complaints have been very few indeed. That being the case, namely, that the franchise has been fixed at Re. 1-8 by the beneficient policy of a progressive Government, I think the time has come when an advance might be made in the law, and that what has hitherto been embodied in the rules should be stereotyped in the law. My hon'ble friend in charge of the Bill suggests that this will represent a substantial change in the law. I do not think so. I say it will be an adaptation of the law to what is the present practice. It will be harmonising law with practice. It will be a step in advance. Now that we are amending the law, such an amendment, if accepted, will represent a distinct advance upon the system of Local Self-Government in this Province. A rule exists which is much more liberal than the law. It embodies the policy of the Administration of the day, and I am happy to say that the attitude, specially of the present Government, has always been one of sympathy with the system of Local Self-Government. It will only be an adaptation of the law to the existing practice, and I hope my hon'ble friend, the member in charge of the Bill, will see his way to accept the amendment."

[*Rai Eshan Chundra Mittra Bahadur; Maulvi Muhammad Yusuf Khan Bahadur.*]

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR said:—"After the eloquent speech which the Council has just heard from my hon'ble friend, Babu Surendranath Banerjee, it is unnecessary for me to say much. It appears to me that the fact that the rule of Re. 1-8 franchise has worked well cannot be denied. I have been the Chairman of the neighbouring Municipality of Hooghly for the last twelve years, and I have heard no complaint against this rule. The people in fact seem to be under the impression that it is the law. I, therefore, contend that the law should be harmonised with the rule of Re. 1-8 franchise."

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR said:—"It is no doubt a sound principle that an Act of Legislation should be as complete as possible and that as little as possible should be left to the rules to be framed under the Act. I myself tried to enforce the recognition of that principle in this Council in connection with certain measures. But I failed to succeed in cases that came much better within the operation of this principle.

"It would no doubt be a triumph of legislation if all details relating to the working of the numerous Municipalities in Bengal, consisting of more than 100 in number, could be finally and formally laid down. But the causes which affect them are so varied and so many that to attempt to lay down rules—in however general terms they might be expressed—in respect to each and all would be a gigantic and hopeless task. Certain matters must therefore be dealt with in the Act in their outline, so that the details must be worked out by the rules as occasion arises in respect of each individual case. We must have confidence in the Government and we must hope that the right thing to be done shall be done. In fact, all the gentlemen who have preceded me have spoken in terms which shew utmost confidence in the Government. From the satisfactory way in which Municipalities have under the rules framed by the Government for a period of about twelve years, worked one may confidently expect the same satisfaction in future. The Government would enforce the same standard as before, but it has under the Act as it stands some discretion and some power which has only been exercised in cases of emergency. I do not think it would be to promote the interests of the community I represent if the Act is to be rendered less elastic and if the Government is to be deprived of the power which was hitherto vested in it."

[*Mr. Bose.*]

The Hon'ble MR. A. M. BOSE said:—"I trust that at any rate we shall have the vote of my hon'ble friend who has last spoken in support of this amendment. He admitted fully the soundness of the principle, but his objection to vote in its favour arose from what he believed to be the practical difficulty of carrying it out. That was an argument which was also advanced by the Hon'ble Member in charge of the Bill. But that argument is opposed to actual experience. The rules were framed in 1884, and with the exception of one Municipality to which the 3 Rs. qualification was applied, with regard to all the other Municipalities, the Government found on enquiry that the one rule of Re. 1-8 would be suitable; and it has been admitted that no complaints have been brought forward against this arrangement. Let not therefore the Council be scared away by the idea put forth by the last speaker and also by the Hon'ble Member in charge of the Bill as to the gigantic and hopeless task of framing a large number of rules. Experience has shown that that is not necessary. The gigantic task referred to has already been accomplished, was accomplished in fact 12 years ago; and the method of its performance has given uniform satisfaction. I was glad to hear of the compliment paid by the Hon'ble Mr. Risley to the Select Committee of 1894. But as that compliment has been used as an argument against the acceptance of this amendment, I may be permitted to remind the Council that the Hon'ble Member has not always spoken in such high terms of that Committee. In his Circular letter, dated the 28th April last, addressed to all Commissioners of Divisions, he says that 'owing to defective drafting, section 15(3) of the Act is wholly unintelligible in its present form.' Surely that drafting was placed before the Select Committee, was considered by the Select Committee, and was adopted by them. But the Circular says that a section which was considered and passed by the Select Committee has in fact no meaning at all.

"Then coming to the other point which was urged, that this amendment will introduce a material change in the Bill, and that it is not right or fair that the change should be brought up in this *ex-parte* way, I submit that if there was any matter which was referred to all Municipalities and District Officers for opinion in connection with the present Bill, it was the question of this very section 15. It was prominently mentioned in the Statement of Objects and Reasons, and was referred to at the time when the Bill was sent to the Select Committee and from the prominence so given to it, section 15 in all its

aspects, was fully considered by all Municipalities. As a matter of fact a great many of the parties who were consulted have given their opinions on this very point, and many of them are in favour of the proposal to harmonise the rules and the law—the very principle which is now being contended for. Therefore, whether it is a sound principle or an unsound principle, at any rate it is not liable or open to the objection that it has been sprung upon the Council at this late hour. I have already referred to Mr. Buckland's opinion and I need not refer to it again.

"The whole question lies in a nutshell. What we ask is that the Government should not have the power to disfranchise a body of men, who have enjoyed and exercised the power of voting for so many years, without the sanction of the legislature. Is that asking for too much, or for what is unreasonable? After twelve years the law is being amended; the Government has enough experience whereon to base definite proposals, and the proposed explanation leaves to the Government the power of extending still further the benefit of its liberal policy by reducing the franchise.

"With reference to what is called the tedious process of consulting this Council, I consider that a desirable process, even if it should sometimes prove tedious; and I contend that it will be to the interest of the Government itself to adopt that procedure in all cases in which they may desire to deprive the people of a privilege which by its own action they have enjoyed for a long time. And after all it is not a very tedious process. If after a period of say from three to six years the Government find in the case of a certain Municipality or a group of Municipalities a slight raising of the rating qualification is necessary, a short Bill of one section will answer the purpose, if the materials placed before the Council are sufficient. That is the principle of the amendment, and I appeal to the Council to accept that principle as reasonable and sound. And I would appeal to the Government to consider that disfranchising people is not a popular thing. By taking the legislature into its confidence when circumstances rendered this course of disfranchising necessary, they would give publicity to their reasons, enlist public support on their behalf, and, if unpopularity there was to be, at least make the legislature sharers in that unpopularity."

The Hon'ble THE PRESIDENT said:—"The course pursued by the Hon'ble Members, the movers of amendments 3 and 7, calls to mind an utterance ascribed to a former Lieutenant-Governor of Bengal, Sir John Peter Grant,

that the administration of this country could be appropriately described by the metaphor of changing six pence into half-pence and the same half-pence back into six pence every decade. The amendments are a singular example of the aptness of this illustration, for they propose to revert to a policy which was deliberately disapproved in this Council twelve years ago, and the abandonment of a policy as deliberately approved in the same debate, which has stood the test of all these years. In the Municipal Bill of 1884 the property qualification was placed at Re. 1-8; but before the Bill passed into law this was rejected and a Rs. 3 rate adopted. As a Member of the Select Committee I have read with attention the remarks of the Hon'ble Babu Guru Proshad Sen in support of his proposal, that the Legislature should provide for the qualifications of voters by positive enactment, and I have listened to the effective speeches before this Council of the Hon'ble Messrs. Bose and Surendranath Banerjee, but I venture to think that the Hon'ble Members have not clearly foreseen the full effect of the measure they advocate. It would, as the Hon'ble Mr. Risley has already said, fix and stereotype the franchise within narrow bounds, which cannot be passed without fresh legislation, while under the present elastic system it is possible to Government within certain limitations to extend the franchise at any time and in any manner it may think fit. The principle underlying the present Municipal Act, as formulated by the Hon'ble Mr. Reynolds, who introduced the Bill in 1884, is the recognition of the demand of the more intelligent classes for a large freedom in the management of their own affairs, and this was intended to be secured by permitting the people to choose their own representatives. To this end the Act provided that rules should be framed by Government for the conduct of Municipal elections. There was so much variety in size and importance in the different Municipalities that it was impossible to make provisions in the new law which would be applicable to each. 'But' said Mr. Reynolds (I quote from the debates in this Council), 'if this power of passing rules were subject to no restrictions, it is evident that the power might be so used as to nullify the principle of popular election. It would be of little use to extend the elective system to a Municipality and then to declare by a rule that the franchise should only be exercised by those who paid Rs. 50 a year in rates. The Bill therefore provides that while Government may lay down such rules as it thinks fit, and may cancel any rule at its pleasure, it may not make a rule which would have the effect of excluding

from the franchise any resident of the Municipality who pays rates to the amount of two annas a month.' This passage from Mr. Reynolds' speech makes it clear that the restriction imposed of a property qualification in certain cases, was framed in the interest of the rate-payer, and was in fact, a restriction intended to bind the hands of Government not to raise the franchise. It practically dictates to Government 'you may lower the franchise as you will, but you may not place a limit, imposed by law, which says that every person who pays rates to the extent of Rs. 3 is entitled to a vote;' but it does not say that any one who has paid below this rate is not so entitled, for it leaves it open to Government by the rules to reduce the limit as it may think proper. As a matter of fact Government has acted liberally under the rules, as the Hon'ble Babu Surendranath Banerjee admits, and lowered the limit generally to Re. 1-8, the only exception being the large Municipalities of Howrah and Cossipore-Chitpore. The amendments suggested appear to me to be opposed to the first principles of Municipal legislation, as understood when the Act was passed, and I shall therefore vote against them."

The Motion being put, the Council divided:—

Ayes 5.	*Noes 10.*
The Hon'ble Mr. Das.	The Hon'ble Mr. Wallis.
The Hon'ble Babu Guru Proshad Sen.	The Hon'ble Mr. Gladstone.
The Hon'ble Rai Eshan Chundra Mittra Bahadur.	The Hon'ble Maulvi Muhammad Yusuf Khan Bahadur.
The Hon'ble Mr. Bose.	The Hon'ble Nawab Syud Ameer Hossein.
The Hon'ble Babu Surendranath Banerjee.	The Hon'ble Rai Durga Gati Banerjea Bahadur.
	The Hon'ble Mr. Glass.
	The Hon'ble Mr. Finucane.
	The Hon'ble Mr. Risley.
	The Hon'ble Mr. Pratt.
	The Hon'ble Mr. Grimley.

So the Motion was negatived.

The Hon'ble BABU GURU PROSHAD SEN moved that in section 3, after clause (*iii*), the following clause be added:—

"(*iv*) has paid not less than Rs. 20 as rent in respect of the occupation by him of a holding which is assessed with the rate under section 85, clause (*b*)."

[*Babu Guru Proshad Sen.*]

He said:—"Under the law as it stands it will be found by the Hon'ble Members of this Council that there is not a word with respect to what is called the 'lodger franchise.' Section 15 stands thus:—

Rules to be laid down for election.

'For the purposes of the aforesaid election of Commissioners, the Local Government, with respect to each Municipality, shall lay down such rules, not inconsistent with the provisions of this Act, as it shall think fit, in respect of the Division, where necessary, of each Municipality into wards, and the number of Commissioners to be elected for each of such wards, the qualifications required to entitle any person to vote for a candidate for election, and in respect of the mode of election. And the Local Government may at any time cancel any rule made by it under this section:

Provided that every male person who is at the time of such election, and has been for a period of not less than twelve months immediately preceding such election, resident within the limits of a Municipality, and who—

(i) has, during the year immediately preceding such election, paid, in respect of any of the rates imposed by this Act, an aggregate amount of not less than three rupees; or

(ii) has, during the year aforesaid, paid, or been assessed to the tax imposed by Act II of 1886 (an Act for imposing a tax on income derived from sources other than agriculture); or

(iii) being a member of a joint undivided family, one of the members of which has, during the year immediately preceding such election, paid, in respect of any of the rates imposed by this Act, an aggregate amount of not less than three rupees, is a graduate or licentiate of any University, or holds a certificate as a pleader or a mukhtear, or revenue agent,

shall be entitled to vote at the election of Commissioners of such Municipality.'

'No person who is not entitled to vote at the election of Commissioners of a Municipality shall be deemed qualified for election to be a Commissioner of such Municipality.

"Then comes the explanation which provides that the 'rules made under this section may reduce but not raise any of the sums mentioned in the first proviso thereto, and may declare that any persons who are not referred to in that proviso shall be entitled to vote.' There is a large class of persons paying Rs. 20 for holdings assessed under section 85 who have during the last twelve years enjoyed the franchise. Possibly it is not intended to deprive these persons of the franchise, but I submit that this explanation will not help to prevent their being deprived of the franchise, if the Government so determine. Some attempt has been made to father this explanation upon me. I deny that parentage, but I see that my hon'ble friend, Babu Surendranath Banerjee, owns

its paternity. We have been told that any person who is a lawyer will not have any doubt regarding the correct interpretation of this section, but we have many opinions coming from Government officials and from public Associations with numbers of lawyers in them who have fallen into an error; and what is still more even the Hon'ble Member in charge of the Bill cannot but admit that the language of the section admits of two different interpretations. It is only the word 'qualification' in the early part of the section which one can rely upon to enable the Government to frame rules not inconsistent with the provisions of this Act which may reduce to a minimum the right given under the Act; for if a large number of persons with a qualification of a Re. 1 or As. 8 rate can be brought in in order to swamp the right of those who have the franchise under the law, then what is that right worth? Therefore strictly in accordance with the interpretation of the law it will not enable the Local Government to put a different construction to it than that of which it naturally admits, and you must read the word 'qualification' as meaning a qualification other than a monetary qualification. I am glad, however, that an assurance has been given that it is not intended to disfranchise this large body of voters. But if the rating qualification of Re. 1-8 has worked well within the last twelve years, why should we not, as a matter of principle, enact it by law?

"As for the other portion of my amendment, I hope I will not be misunderstood. This is an amendment which stands by itself. It has nothing to do with controlling the power of the Government. Even without controlling the power of the Government, you may form a class of voters under clause (iv) and still leave the section as it is. This also is the case with the first clause, the amendment upon which has just been lost. Under the amendment which I now propose persons will be entitled to vote who have paid not less than Rs. 20 as rent in respect of the occupation by them of a holding which is assessed with the rate under section 85, clause (*b*): that does not exclude the power of the Government to lower the franchise still further or to bring in other persons. I submit there is no reason why men who have been enjoying the franchise for the last twelve years should now be swept away, and which it is possible may be done. Well it may be said that there is no intention to sweep them away, and probably it will not be done under the present liberal Government. But what is the guarantee that this will never be done? It is the object of my amendment to prevent this being done, and it has no reference to taking away the power of the Government in any way."

The Hon'ble MR. RISLEY said:—"I understood the Hon'ble Rai Eshan Chundra Mittra Bahadur to say, when the question of grouping these amendment was discussed, that it would be convenient that the principle of all these amendments should be discussed upon the first amendment, and that it would be unnecessary to discuss it again when the other amendments came up. The rules which have been framed under the Act were drawn up in 1884 by Mr. Macaulay in consultation with the Advocate-General and the Legal Remembrancer of the day, and the Law Officers of the Government have now held that those rules are in accordance with the law as it stands, and they add that the alterations which the Select Committee now propose do represent the law as it stands. The attitude which the Government has assumed with reference to all these municipalities is to act in accordance with their wishes, and their wishes have been thoroughly considered with reference to the effect they are likely to have. It appears to me impossible to please any one who takes the view the Hon'ble Mover of the amendment entertains. If we raise the franchise, the complaint is that we disfranchise numbers of voters. If we lower the franchise, we are told we shall swamp the existing voters. It is difficult to see how an unfortunate Government can possibly be right under these circumstances. The Rs. 20 lodger qualification was introduced in 1886 to meet a want which was then suggested; it was carefully considered, and there is no intention to deprive this class of voters of the franchise. But it might happen that the circumstances of particular municipalities might be such that a different amount of rent might be suitable, either more or less than Rs. 20. Why should it be proposed to cut off from the Government the power of complying with the wishes of those municipalities in a matter of this kind? That is the whole point to be considered in regard to this amendment."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"I am sorry I cannot accept this amendment. The Hon'ble Mover of the amendment proposes that a particular rule should be incorporated in the law, and the argument in favour of his proposal is that there is no guarantee that the rule may not be done away with in the future, and a large class of people may thus be disenfranchised. We have the assurance of the Hon'ble Member in charge of the Bill that there is not the remotest idea on the part of the Government to disenfranchise the class of voters referred to in the amendment, and if ever there was any such danger, the fact of this discussion in the Council will afford an

effectual safeguard against such a proceeding on the part of the Government. That, I submit, is a sufficient safeguard against the possibility in the future of this right being taken away. We cannot possibly incorporate all the rules which have been passed by the Government into the law. I should have felt greater inclination to accept the amendment, if it were proposed to reduce the qualification from Rs. 20 to Rs. 10, if an attempt had been made to widen and broaden the franchise, and not to stereotype it. The Government ought to have the power of extending the franchise, but I do not think the Government have any intention to raise it in order to exclude those who now possess the right. The action of the Government in the past precludes the possibility of such an assumption. It has been a past of much sympathy and of generous encouragement of Local Self-Government, and we may take it that in the future it will be the same. For these reasons I am not prepared to accept this amendment."

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR said:—"The question raised by this amendment stands upon a footing slightly different from that on which the question, raised in the last amendment which has just been disposed of, stood. The argument in favour of the amendment might be stated thus: no doubt the rules framed under the Act relate to lodging franchise, but the section itself is silent in regard to such franchise, so that this amendment supplies a heading and an item, and points to a class of persons not indicated in the section. Considered in this light, the amendment seems to be a reasonable one. The section lays down certain principles as landmarks, and indicates certain classes in a general way, and the Government is empowered to frame rules thereunder: the rules are not necessarily to be restricted to the classes to which the section relates, but it would be more symmetrical if the classes could, with some approach to exhaustiveness, be laid down in the section. As the section at present stands, this class does not find a place there. The first clause deals with the qualification of payment of Rs. 3 rates, the second refers to the income-tax qualification; the third refers to the case of joint undivided Hindu families; but there is no clause relating to a lodging franchise.

"No doubt rules framed by the Government under section 15 comprise the case of lodging franchise, and there is also no doubt that such rules are not *ultra vires* in consequence of the omission of the class in the section. But it would be far more satisfactory to include a clause in section 15 introducing a

heading relating to lodging franchise by way of recognition of a principle in the enactment itself. I do not understand it is the object of the amendment to lay down the limit of Rs. 20; for reasons already assigned by me whilst discussing the last amendment, I do not think it expedient to lay down a rigid rule and to restrain or limit the power of the Government in regard to the extent of the qualification. That must be left to the Government as a matter of detail. Hon'ble Members have already highly eulogised the action of the Government in framing the rules and carrying them into effect. If therefore the money qualification is the gist of the amendment, then I am not inclined to view it with favour, and the matter must remain where it is: but if the object of the amendment is to supply a class, then it has my sympathy. Therefore, regarded from this point of view, subject to some further light which might be thrown on the nature of the amendment and its effect in the course of the discussion, I am, as at present advised, inclined to vote in favour of the amendment."

The Hon'ble MR. M. S. DAS said:—"I was at first inclined to support this amendment, but in view of certain remarks which have fallen from the Hon'ble Member in charge of the Bill, I am not now prepared to support it. When this Bill was introduced, the Hon'ble Member said that it was one of the proposals—rather a prominent proposal—to grant what may be called a lodger franchise in future. I expected that the rule now under discussion would be embodied in the Act, because it certainly was in the nature of a lodger franchise. But as it has not been embodied in the Bill, I would have voted for the amendment, but for the remarks which fell from the Hon'ble Member in charge of the Bill, and which remarks were to the effect that a certain amount of latitude ought to be left to the Government so as to meet certain cases in which it may be necessary to reduce the amount of qualification and other cases in which it may be necessary to raise it; whereas if we embodied the rule as it stands in the Act, we would stereotype the qualification, and no latitude of discretion would be left to the Government. From the assurance which has been given by the Hon'ble Member in charge of the Bill and the remarks he made in introducing it pointing out the intention of the Government to confer a lodger-franchise, I venture to think we should rest satisfied that it is not intended by the Government to disenfranchise any persons who have been hitherto qualified."

[*Mr. Bose; Babu Guru Proshad Sen.*]

The Hon'ble MR. A. M. BOSE said:—"I wish to make one observation, and that is, to suggest to the Hon'ble Mover of the amendment not to press his Motion to a division. I do this on two grounds: first that he may well be content with the very favourable statement made by the Hon'ble Member in charge of the Bill, namely that the Government have no intention of lowering the franchise, and, secondly, that the question of principle involved has already been decided, namely, whether the legislature ought to leave to the Government the power of making rules in respect of these matters instead of embodying them in the Act. That question was raised and fully discussed on a former amendment, and I think it is better to accept the fact that the Government has certainly had the better in the voting."

The Hon'ble BABU GURU PROSHAD SEN, in reply, said:—"I regret I cannot accept the suggestion of the Hon'ble Member who last spoke, because by my next amendment on the agenda I propose to do what the Government are so much afraid of; that is to say, to control the power of the Government in these matters and have them determined by an Act of the Legislature. I have only heard a few remarks which ought to be answered in connection with this measure. My hon'ble friends who intend to vote against me on this occasion would like to give the Government a latitude to frame rules, in other words, to give an elasticity to the provisions of the Act, which is a favourite expression with some of them. As for that I have only to submit that elasticity will not be wanting if the Government would move the Legislature from time to time to amend the law as may be found convenient, and not leave it to be done by framing rules. It is also said that by leaving this power in the hands of the Government, the qualification might either be raised or lowered, as may be found expedient. I would not quarrel with the lowering of the franchise to any extent possible, but it will be dangerous to leave to the Government the power of raising the franchise. The Government might raise the lodger franchise from Rs. 20 to Rs. 100. That is what is meant by raising the money qualification, and we have no section corresponding to the section prescribing the 3-rupee rate as the maximum, that a man paying a rent of Rs. 20 shall be entitled to vote. If that had been inserted in the law, I may have seen the wisdom of Hon'ble Members opposing this amendment. There is no maximum fixed in the law. Everything is left in the hands of the Government, and they are left to provide this lodger-franchise at any amount they please

[*Babu Guru Proshad Sen.*]

under the words contained in the explanation—'and may declare that any persons who are not referred to in that proviso shall be entitled to vote.' That is something which appears to me—I will not say absurd—but something which is out of order. It will be, as was said by the Hon'ble Maulvi Mahammad Yusuf, not in the spirit of the law to frame rules by which you will confer a lodger-franchise. The spirit of the Act will be against such a rule."

The Motion being put, the Council divided:—

Aye 1.	*Noes 14.*
The Hon'ble Babu Guru Proshad Sen.	The Hon'ble Mr. Wallis.
	The Hon'ble Mr. Das.
	The Hon'ble Mr. Gladstone.
	The Hon'ble Rai Eshan Chundra Mittra Bahadur.
	The Hon'ble Mr. Bose.
	The Hon'ble Maulvi Muhammad Yusuf Khan Bahadur.
	The Hon'ble Babu Surendranath Banerjee.
	The Hon'ble Nawab Syud Ameer Hossein.
	The Hon'ble Rai Durga Gati Banerjea Bahadur.
	The Hon'ble Mr. Glass.
	The Hon'ble Mr. Finucane.
	The Hon'ble Mr. Risley.
	The Hon'ble Mr. Pratt.
	The Hon'ble Mr. Grimley.

So the Motion was negatived.

The Hon'ble BABU GURU PROSHAD SEN also moved that the word "only" be inserted after the word "shall," where it occurs in the concluding clause of the first proviso to section 15 of the Act, so as to make the clause run thus:—

"shall only be entitled to vote at the election of Commissioners of such Municipality."

He also moved that in section 3, sub-section (*3*) be omitted, and that in its place the following be substituted:—

"*Explanation.*—The words 'qualifications required to entitle any person to vote for a candidate for election' relate to the qualification as to age and as to one's being registered as a voter under the rules to be framed by the Local Government under this section."

[*Babu Guru Proshad Sen.*]

He said:—"This brings us to the question of principle, with regard to which we have heard the reply in anticipation, and I submit that the principle is a very sound one, namely, that instead of leaving everything to be done by rules, the most important matters should be provided by the law. The maximum rating qualification is Rs. 3. By putting it at Rs. 2-8 you will disenfranchise a large class of men who have been enjoying it for the last twelve years under the Re. 1-8 rule, and by putting it still higher at Rs. 3 you possibly disenfranchise three-fourths of the present voters. On the other hand, by putting it very low, you can swamp a number of voters to whom you have given the right and privilege. You minimise the right to nothing. If you have not got all the materials before you to come to a conclusion regarding this matter, you should wait until all the materials are obtained. We are told that we cannot do this, we cannot wait, because the next election will take place in October next. That, I submit, is no reason why in considering an Act of the Legislature there should be any hurry. The last elections took place under the existing rules. The concession, to be a real concession, must be a concession which is made by the Legislature, and not left to be provided for by rules made by the Local Government, however favourable that Government may be to lowering the franchise. No doubt the present Government is very liberally disposed to all kinds of local institutions, but at the same time I must say, and I must say distinctly, to those who are the supporters of the principle of Local Self-Government in this country, that this is a matter which ought not to be left to the will of the Executive alone. I appeal to those who desire to foster the principle of Local Self-Government, whether my amendment does not meet with their entire approval. I will not compare India with countries which have both the Municipal and Parliamentary franchise. I will not compare our little India with Great Britain; but, on consulting the English Statutes, I find that in many Acts qualifications are not only laid down for guidance, but even the details are regulated by the Legislature. They do not leave even the matter of registration to the Executive, but employ revising barristers for the purpose. In India, in the Presidency towns, the rating qualification is fixed by Statute, and even in the North-Western Provinces, where these matters are left to rules, there is a safe-guard under which the rules are to be framed, and that is that the people are to be consulted in framing these rules, and in other places you are allowed six months to consider the rules. Under these circumstances I submit that, as by the experiment which has been

tried within the last twelve years, it has been established that the Re. 1-8 rating qualification is suitable for all municipalities in these Provinces, and that the lodger franchise of Rs. 20 will also answer, we have now arrived at a time when these matters should be definitely provided by an Act of the Legislature, and not be left to the Executive. If this amendment is accepted, it will make as little change in the present rule of franchise as possible.

"One word as to the change of attitude with which I have been charged. I do not know of any such change of attitude or change of position on my part. I have never held that the matter should be left to the discretion of the Local Government, as some of my friends have thought fit to do on different grounds. I do not know the ground upon which some Hon'ble Members would proceed, but I know the ground upon which my hon'ble friend, Babu Surendranath Banerjee, is acting, namely, the ground of elasticity. I have contended from the very beginning that this matter ought not to be left to be determined by rules, but should be provided for by positive legislation, and I do not think I can be charged with any change of attitude. If the rules are to provide for everything, how is it that this amending Bill is brought before the Legislature. The rules might very well have provided for the few changes now sought to be made in the law, The only important matter embodied in the Bill is the proposal to confer the franchise on those who pay income-tax. If the interpretation of the law is as it is said to be, how is it that this Rs. 50 income-tax clause could not be provided for by rule. In this case my hon'ble friend, the Mover of the Bill, thought otherwise; he did not think it could be done without an Act of the Legislature. I say that if the rules are to be our guide on every point, in that case there would be no necessity for an enactment of this Legislative Council. I submit that those who are the friends of Local Self-Government should vote with me in this matter."

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR said:—"I think after what has fallen from my hon'ble friend, Babu Surendranath Banerjee, the Hon'ble Mover of this amendment will be pleased to consider whether it would not be wise in him to withdraw the amendment. He has just been defeated in the amendment relating to lodging franchise, and the effect of introducing the little word 'only' might be that Government would be precluded from framing rules including the very persons for whose benefit statutory recognition was insisted on, viz., persons who pay Rs. 20 as rent

assessed under section 85. The Hon'ble Mover of the amendment would, by showing persistance in favour of his amendment, defeat the very object he had in view in moving the preceding amendment, which, although nominally lost, is really secured, though in a different shape."

The Hon'ble MR. RISLEY said:—"I do not think the Hon'ble Member has seen the consequences which will result from this amendment. By inserting the word 'only' in the concluding clause of the first 'proviso' to section 15, he proposed to stereotype his two earlier amendments, but these he has now lost, and if he passes this, he will stereotype the law as it now stands, and the effect will be that he will disfranchise all those who now have a right to vote under the Rs. 20 lodger-franchise. As to the question of principle, the position of the Government has been entirely misapprehended: we have no intention of reducing the franchise. All that the Government desires is to give each Municipality what it wants. To embody in the law the varied requirements of all the municipalities would save the Government a great deal of trouble. In point of fact this movement to stereotype the Re. 1-8 rating qualification surprises me extremely, because it is the one question in which the several municipalities have clearly expressed their wishes. Out of the whole number, 33 municipalities want to raise the franchise, some to Rs. 5, some to Rs. 3, and 21 want to keep it at Re. 1-8, and the Government agree that for the minor small municipalities Re. 1-8 is the best limitation, but in more advanced places the qualification of Rs. 3 and Rs. 5 might be introduced if people want it. I do not think the Re. 1-8 limit expresses the wish of the more intelligent classes of the community. The limit of the municipal franchise in England cannot be referred to by way of comparison, because it follows the Parliamentary franchise and refers to a wholly different state of things. Then the Hon'ble Member said that the Government of the North-Western Provinces took a more liberal view of things and regulated the franchise by Statute. I do not happen to have the Municipal Act of the North-Western Provinces at hand to refer to, but my impression is that in the whole of Northern India legislation is based on the principle of leaving as much as possible to be provided for by rules, and that I submit is distinctly better than to attempt to provide for all possible circumstances by legislation. As to consulting local bodies before passing rules, I may mention that I think the last proposed edition of the rules was sent out with a long explanatory letter and

circulated to District Officers and Municipalities some time in May last. I do not wish to dwell on the question of my hon'ble friend's change of position. He said in April when the Bill was introduced that no change in the law is necessary; now he says he wants to harmonise the law with the rules and the existing practice. My own opinion is that any attempt to do so will bring about rather discord than harmony."

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR said:—"The circumstances of the several municipalities are so varied and different that it is impossible to say that no power should be left to Government to frame rules. We must have some rules, and every day there may be a necessity to frame some rule. I therefore cannot agree with my hon'ble friend that we should stereotype the existing practice by including in the law what is now provided by rules."

The Hon'ble BABU GURU PROSHAD SEN, in reply, said:—"After the assurance which has been given by the Hon'ble Member in charge of the Municipal Department of this Government, it is not necessary for me to press this matter to a decision, especially as my amendment regarding the Rs. 20 lodger-franchise and the Hon'ble Mr. Bose's amendment regarding the Re. 1-8 rating qualification have been negatived, I therefore beg leave to withdraw the motion which is now before the Council."

The Motions were, by leave of the Council, withdrawn.

The Hon'ble BABU SURENDRANATH BANERJEE moved that after the word "University" in line 6 of clause (iii) of section 3, the following words be added:—

"or has passed the First Arts examination of the Calcutta or any other Indian University."

He said:—"Clause (iii) of section 3 of this Bill proposes to confer the franchise upon a person 'being a member of a joint-undivided family, one of the members of which has, during the year aforesaid, paid in respect of any rates an aggregate amount of not less than three rupees—is a graduate or licentiate of any University,' and so on. I claim for my amendment that it is in entire accord with the principle which underlies this Bill. I am thankful to be able to say that this Bill represents a distinct advance upon the principle of

Local Self-Government, inasmuch as it includes a large body of intelligent men who hitherto have not enjoyed the franchise, and I beg to tender my acknowledgments for the conciliatory spirit which the Hon'ble Member in charge of the Bill evinced throughout our discussions in the Select Committee, and, as a proof of that conciliatory spirit, I desire to refer to the Bill as it has been amended by the Select Committee as compared with the Bill which was introduced in March, 1896. There is a great difference between the Bill as it now stands and the Bill as it was introduced. Many important and significant modifications have now been made in the Bill. The Bill has been practically recast in the light of the opinions which have been received by the Select Committee. It is not necessary for me to refer to the various modifications which have been made. I need only refer to the important changes which have been made in the section to which my amendment refers. When introducing this Bill, the Hon'ble Member in charge proposed to create a lodger franchise, to confer the franchise on all persons in occupation of holdings paying an annual rate of Rs. 3, provided they were in receipt of a monthly salary of Rs. 50. But this lodger franchise has now been abandoned in favour of the much wider proposal which confers the franchise on all residents of municipal towns, no matter whether they are in occupation of holdings which pay rates to the amount of Rs. 3 or not, provided only that they be assessed to the income-tax. The change broadens the franchise and confers it on persons who did not possess it before. It is not necessary that such persons should be in receipt of a salary of Rs. 50 a month, but that they should have an income of about Rs. 42 a month, and that their names should appear in the assessment books of the Income-Tax Department. I want to broaden the franchise a little further, to give fuller effect to the policy which underlies the Bill, and I claim the sympathy of the Council and of the Hon'ble Member in charge of the Bill in favor of my amendment. I have no hesitation in saying that undergraduates are at least as intelligent and as honest a class of men as Mukhtears and Revenue Agents. And having regard to one of the election rules, which provides that no person shall be allowed to vote who has not attained the age of 21 years, we have a safeguard which will prevent too young persons from exercising the franchise. The undergraduates upon whom I desire to confer the franchise represent a considerable constituency. I have made some rough calculations, and I desire to place the materials before

the Council, in the hope that Hon'ble Members will be in a position to form their own conclusions. The First Arts examination has been in force for the last 35 years in the Calcutta University. For the last 8 or 10 years the average number of those who have passed the First Arts examination is more than 1,000. The average of the last 5 years was about 1,200. If for the 35 years you take an average of 500 a year, you will have at least 17,000 under-graduates, resident in mufassal towns, who ought to be admitted to the franchise. But even taking 10,000 to be residing in mufassal towns, they represent a considerable number of intelligent people who ought to be invested with the franchise. It might be said why not include those who have passed similar examinations in connection with the English Universities. I have not the slightest objection to widen the scope of my amendment. But I look upon this matter from a practical point of view. How insignificant must be the number of English graduates in mufassal towns in Bengal, as compared with the number of Indian graduates. I proceed on the actual lines of the Act and of the Bill. You don't confer the franchise on barristers who have been reading in the Inns of Court, and have passed the examinations, and have gone through the important ceremony of eating their dinners, although these gentlemen may be residing in the mufassal. But you have conferred the franchise on the much lower class of legal practitioners, known as mukhtears and revenue agents. I thus follow the lines of the Bill. My amendment is in complete harmony with its principles. I therefore feel the less hesitation in appealing to my hon'ble friend in charge of the Bill, who being on the governing body of the University must feel an interest in the intellectual as well as in the political advancement of our young men, to accept this amendment. It is indeed a very small concession, but if granted it will popularize the Bill, strengthen the electorate, and broaden the basis of Local Self-Government by enlisting on its behalf the sympathies of the young, the ardent, and the intelligent."

The Hon'ble MR. RISLEY said :—"I have found myself, Sir, so much in accord with my hon'ble friend in respect of other sections of this Bill, and his attitude towards the Bill has been so generally reasonable, that I am sorry I cannot go with him in this. To start with, the amendment amounts to giving votes to under-graduates as such. There is no getting over that. You may define it in terms of the First Arts, but it really means giving votes to under-graduates. If the Council does that, the Council will lay itself open to comment, and will run

the risk of making itself ridiculous. Moreover, when once we have embarked on the course of enlarging these educational qualifications, where are you to stop? If the F.A. men are to get votes, why not the Entrance men, and I can imagine a plea being put in even for the fail-entrances? We shall have opened a door which ought not to be opened, and the tendency will be to try and open it wider.

"Then there is a more serious objection. You will see if you look at the Act that the proposal gives to under-graduates of Calcutta a privilege which is restricted to graduates of the elder Universities. This is a fatal flaw, and I do not see how it could be got over. I can see no solution.

"Lastly, even if you chose to ignore the illogical character of the proposal, it would in any case work unevenly. You might even have in the same joint family two members, one of whom had passed the Calcutta F. A., and the other had passed or even taken honours in moderations at Oxford, but had stopped there. The Calcutta man would have a vote; the Oxford man would not."

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR said:—"I rise to support this amendment. I think that inasmuch as by this Bill the franchise has been given to gentlemen who have obtained licenses from vernacular medical schools, why should not the same privilege be given to a class of men who from their education are likely to exercise the franchise most intelligently? It is well-known that in the Mufassal it is most difficult to secure the votes of educated candidates, and those who have obtained a certain amount of education and position are not likely to be led away by the tricks which are played upon ignorant and uneducated men, such as cart-drivers and others of the same class. They are a respectable body of men, and they should have the privilege of voting in the same way as the holders of the diplomas of Government colleges and mukhtears and revenue agents, with whom under-graduates are at any rate equally educated."

The Hon'ble Mr. A. M. Bose said:—"I really hoped that the persuasive powers of my hon'ble friend the Mover of the amendment would have prevailed to secure the adhesion of the Hon'ble Member in charge of the Bill, but I confess myself disappointed. The first argument against the amendment is that if we adopt this proposal there will be no knowing where to stop. The Hon'ble Member is well aware that that is a stock argument which in the

history of progressive legislation is always brought forward whenever any change is proposed. The answer to that argument is that a change should be resisted when for its own sake it ought to be resisted, but not on the ground that it may possibly in the future lead to other changes. The next argument of the Hon'ble Mr. Risley, which in fact was his strongest argument, was one with which I shall have felt considerable sympathy if it had any appreciable foundation in fact. This was that by this amendment you would draw an invidious distinction between under-graduates of Indian Universities and those who have passed similar examinations in connection with English and other European Universities. That, I submit, is hardly an argument of a practical character under the circumstances of the present case. I confess, speaking for our countrymen who have been to European Universities, that I cannot at present call to mind any instance of gentlemen resident in the mufassal who have proceeded to Europe and who have passed the previous examination of some University there but did not proceed to a degree. And with regard to European gentlemen similarly situated, one is not aware of any such residing in a mufassal Municipality. No instances were mentioned. At any rate, whether it is so or not, the number of such gentlemen is not likely to be of any appreciable magnitude. And in any case the difficulty, if any, can be easily removed by slightly broadening the scope of the amendment. I appeal therefore to the Hon'ble Member to reconsider the matter. Having regard to other classes of voters whom it is proposed to admit, those who have passed the First Arts examination and are 21 years of age, would form a most desirable addition to the electoral body. Another argument which has been advanced is that by adopting this amendment we shall be breaking new ground. I say, first, that this is not an argument which comes with very good grace from the Hon'ble Member in charge of the Bill, the very object of which is to break new ground. That is the reason for the Bill, and though the amendment of my hon'ble friend may go beyond the scope of the proposals contained in the Bill, it is a reasonable extension of the franchise; and after all it is new ground very much more limited in its character than that which is the groundwork of the amending legislation proposed by the Hon'ble Member. I again appeal to him to consider whether it will not be desirable to recognise the educational test as an important test in connection with the exercise of the franchise. It has been pointed out that gentlemen who have satisfied the requirements of the University, and who have probably entered life in various capacities, would be at least as well qualified, both intellectually and morally, as many of those on whom it is proposed by the Bill to confer the municipal franchise, and I appeal to the Hon'ble

Member to say whether education is not the best help towards good administration, its best ally, and its securest guarantee. By recognising it you not only liberalise your policy, but you strengthen your position and improve the practical results of the exercise of the franchise."

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR said:—"The strong and eloquent appeal which has been made in favour of this amendment has not failed to make an impression on my mind, although, correctly speaking, what has weighed with me more than the appeal is the favourable effect of the amendment, so far as it tends to the furtherance and promotion of Muhammadan interests. It is on this ground that I give my support to this amendment and add my voice in its favour. The persuasive powers of my hon'ble friends having failed to achieve success, I will try the effect of my arguments; and I put the matter thus: the sum total of convenience in favour of the amendment far outweighs the inconvenient points. There are a great many Muhammadan students who have passed the First Arts Examination who would be let in and have the right to vote by virtue of this amendment, but who would be otherwise excluded. In their early years, generally speaking, the Muhammadan students are engaged in the study of Arabic, and if so they are 21 years of age by the time they have passed their First Arts Examination; so there is not likely to be much difficulty as regards the question of age: the letting in of the amendment would therefore be a distinct gain to the Muhammadan community. The pleaders of the Zilla Courts must also be those who should have passed the First Arts Examination: the amendment will favourably affect that class also. But apart from the question of nationality, and applying myself to the quality of the material let in, it appears that in point of education and therefore of intelligence and character, the persons who would acquire the franchise are in no way inferior to those who are already in. In fact the higher the educational standard, the worthier the men you get. The objections which have been urged against the acceptance of the amendment are so small that they may very well be put aside and disregarded. The difficulty to determine the equivalent examination in English and other Universities is not insurmountable and might be easily provided for and that difficulty arises in so few cases that for the sake of the few, the many need not be sacrificed; because how many students of European Universities are residents of Mufassal Municipalities. I therefore express a hope that the Hon'ble Member in charge of the Bill will see his way to accept the principle of this amendment. By so doing he will promote the cause of Local Self-

Government in more ways than one ; he will put the franchise in fitter and worthier hands in some cases. The case of failed or passed Entrance students stands on a different footing, and when their matter will be brought forward, it will, I submit, be time enough then to consider it : but in regard to the *passed* First Arts students, they are, from their intelligence, education and character, in every way entitled to the franchise. The principle of the amendment is fair and reasonable ; its particular wording is a question to be decided hereafter."

The Hon'ble MR. M. S. DAS said :—"I also must vote for this amendment. With regard to the difficulties pointed out by the Hon'ble Member in charge of the Bill, it has been said by the Hon'ble Mr. Bose that the difficulties are of a theoretical character, and are of no practical importance. If it is necessary to extend the franchise to persons who have obtained similar honors from English Universities, in order that this new franchise may be consistently and justly extended to First Arts passed students of the Indian Universities, I do not think the Hon'ble Mover of the amendment will have any objection to such extension. Local Self-Government is in its infancy in this country. The Hon'ble Member in charge of the Bill supposes certain difficulties which may be met with if the franchise is extended to certain classes of men, but with all possible deference to the Hon'ble Member, I say that he has no personal experience of the difficulties met with in Mufassal Municipalities, where we have to deal with a number of voters who are wanting in intelligence. When this Bill was introduced, it was said that one of the reasons for introducing the Bill was to extend the franchise to an intelligent class of voters; the franchise was, as proposed, extended to a class of men who have not been included, because they have the property qualification, but they seem to have been included because they have an educational qualification. That was not an amendment in the right direction, and as this Bill has been altered by the Select Committee so as to extend the franchise to persons in case their education is a guarantee for the just exercise of the right of franchise, I think it should on the same ground be extended to those who have passed the First Arts examination. I have known an instance in the Mufassal where a person who had worked for a municipality for twelve years (he occupied the position of an Executive Engineer, which went to show that he was a man who could do an immense amount of service to the municipality), stood for election as a Commissioner of that municipality, but I was the only person who voted for him. All the other electors voted for a

clerk in the Commissioner's office, who was in receipt of a pay of Rs. 35 a month. And I have also known an instance where a gentleman's own coachman and *durzee* voted against him, because a clerk in the office told them they would have their taxes remitted if they voted for him. These are examples which show that we should encourage intelligence in voters, and I think that in the interests of Local Self-Government it is necessary that the franchise should be extended to First Arts students. I do not think they are in any way inferior to mukhtears in intelligence and not certainly to revenue agents, and I do not see why the franchise should not be extended to them. We have heard from the Hon'ble Mover of the amendment that a very large number of this class of intelligent men are to be found in the Mufassal, and I dare say it will be to the interest of Local Self-Government, and of the municipalities themselves, to have intelligent voters to vote for people who really take an interest, and have the ability to administer, the municipal affairs."

The Hon'ble Mr. Risley said:—"As the temper of the Council has been very distinctly indicated in this matter, I am prepared to come forward with a compromise which might possibly meet the case. I entirely admit the intelligence of the proposed class of voters. The question of age is covered by the rule which prescribes the age of 21. Perhaps the difficulty might be met by the addition of the words 'or the corresponding standard of any other University.' I accept the principle of the amendment, the exact working of which can be settled hereafter."

The Hon'ble Mr. Pratt said:—"The expression 'First Arts' examination was only applicable to the Calcutta and Madras Universities. In Bombay, the corresponding standard was called the 'Previous' examination, and in the Panjab and Allahabad it was termed 'Intermediate.'"

The Hon'ble Babu Surendranath Banerjee said:—"If the principle of the amendment is accepted, the exact wording can be settled at a subsequent Meeting of the Council."

The further consideration of the amendment was accordingly postponed.

The Council adjourned to Saturday, the 8th instant.

Calcutta;
The 2nd September, 1896.

F. G. WIGLEY,
Offg. Assistant Secretary to the Govt. of Bengal,
Legislative Department.

Reg. No. 525G—300—3-9 96.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met at the Council Chamber on Saturday, the 8th August, 1896.

Present:

The Hon'ble SIR CHARLES PAUL, K.C.I.E., Advocate-General, *presiding*.
The Hon'ble W. H. GRIMLEY.
The Hon'ble J. PRATT.
The Hon'ble H. H. RISLEY, C.I.E.
The Hon'ble M. FINUCANE.
The Hon'ble J. G. H. GLASS, C.I.E.
The Hon'ble RAI DURGA GATI BANERJEA BAHADUR, C.I.E.
The Hon'ble NAWAB SYUD AMEER HOSSEIN, C.I.E.
The Hon'ble SURENDRANATH BANERJEE.
The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR.
The Hon'ble A. M. BOSE.
The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR.
The Hon'ble GURU PROSHAD SEN.
The Hon'ble W. B. GLADSTONE.
The Hon'ble M. S. DAS.
The Hon'ble A. H. WALLIS.

PROTECTION OF WOMEN IN MYMENSINGH.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Whether the attention of the Government has been called to a statement which appeared in the *Charu Mihir* of Mymensingh to the effect that a number of *budmashes* carried off the daughter of one Kumari Chandalini, of Bajipore, and committed outrages on her? Is it the case that the Judge in sentencing the accused to seven years' rigorous imprisonment remarked:—"I have already called attention to the need of protection of women in this district?" Will the Government be pleased to state what action it has taken to ensure this protection?

[*Mr. Risley; Babu Surendranath Banerjee.*]

The Hon'ble MR. RISLEY replied:—

"The attention of the Government has been drawn to the statement referred to. The accused arrested in the case of Kumari Chandalini were fortunately convicted, and sentenced to imprisonment for seven years each. The Judge remarked, before passing sentence, that he had already called attention to the need women have for protection in the district, but this remark referred evidently to observations made by him in a previous case, when the accused were also convicted for an outrage on a young woman; and in both cases the remarks were intended by him to explain the severity of the sentences passed. The Judge has not addressed the Government as to the necessity for special measures for the protection of women in Mymensingh. Such measures have, however, been taken by the Magistrate's orders on the occasion of the Ashtami bathing festival, and the Commissioner has been instructed to renew them annually so long as necessity for them appears to exist. As regards isolated outrages on women which might occur anywhere and at any time during the year, it is impossible to take special measures. It may be hoped that the severe punishments which have been inflicted in Kumari Chandalini's and the previous case will have a salutary effect in deterring the bad characters who are disposed to this kind of crime. The Lieutenant-Governor has also directed that the most experienced and reliable police officers available should always be deputed to investigate these cases whenever they occur, and the District Superintendent of Police has been instructed to give his special attention to the cases.

"The Magistrate reports that these offences are usually committed by low class Muhammadan loafers of loose character, who, under Act X of 1872, could have been dealt with under section 505 as persons of notoriously bad livelihood or dangerous character, but who cannot be reached under section 110 of the present Criminal Procedure Code."

SERIOUS ALLEGATIONS AGAINST MR. AINSLIE.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Has the attention of the Government been drawn to some paragraphs published in the *Hitabadi* newspaper of the 5th June, in which some serious allegations are made against Mr. Ainslie, the Subdivisional Officer of Govind-

pur? Is it the case that Mr. Ainslie harassed witnesses and parties by causing them to follow him from camp to camp and by holding *cutcheries* in the mufassal, but not always in the places notified? Is it true that he struck off from his file seven out of nine cases on the 11th May last, three out of six cases on the 12th, and four out of eight cases on the 15th, the parties not having been able to find out his camp and attend in time and committed several other irregularities referred to in the same paper? If so, will the Government take any steps to prevent a recurrence of similar proceedings in future?

The Hon'ble MR. RISLEY replied:—

"The attention of the Government was drawn to the paragraphs referred to, and the Commissioner was requested to issue instructions to Mr. Ainslie to make better arrangements for the convenience of parties in future. This has been done, and the Lieutenant-Governor trusts that similar cause for complaint will not recur. The figures in the paragraphs in question are generally, though not uniformly correct."

MR. MORSHEAD'S CASE.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(1) Whether it is true, as stated in the newspapers, that Mr. Morshead, Deputy Commissioner of Purulia, directed Babu Upendra Chandra Mookerjee, a Deputy Magistrate, at the instance of the District Superintendent of Police, to withdraw an order for bail issued by the said Deputy Magistrate in respect of some persons charged with an offence under section 392, I. P. C., and that in consequence the order was withdrawn and the prisoners were remanded to jail, where they remained from the 9th June to the 1st July, when they were ordered to be released after a full investigation by the said Deputy Magistrate?

(2) Is it the case that the Deputy Commissioner, in the order directing the withdrawal of the bail-bond, laid down the dictum that "when accused persons are sent up in A Form (by the Police) there are *primâ facie* grounds for believing that they have been guilty of the offence of which they are accused"?

Does the Government approve of this interference on the part of an Executive Officer with the judicial discretion of a Magistrate subordinate to him? Will the Government be pleased to take such steps as to the

Government may seem fit with a view to prevent the recurrence of proceedings such as these on part of Executive Officers?

In the absence of the Hon'ble MR. A. M. BOSE, who came late, the Hon'ble BABU SURENDRANATH BANERJEE asked—

(*a*) Has the attention of the Government been called to the facts and the papers marginally given of a case at Purulia, which have been published in the *Amrita Bazar Patrika* of the 7th July, and in which, under the orders of the Deputy Commissioner, an order passed by the trying Deputy Magistrate admitting the accused persons to bail was cancelled and they were sent to *hajut?* Are the proceedings correctly given in the *Patrika?*

THE PURULIA PAPERS.

ORDER SHEET.

District Manbhum.

In the Court of Babu U. C. Mukerjee, Deputy Magistrate.

No. 111 OF 1896.

Kharakri of Jobla, thana Silli, district Lohardaga, *versus* (1) Sonaram Mura, (2) Panroo Mura of Gundhudi, pargana Bagnundi, (3) Naboo Dom of Uhatoo, pargana Jhalda.

Section 392, Indian Penal Code.

The 9th June, 1896.—The Court was occupied from 8 A.M. to 11·30 A.M. with the rioting case. No time to-day, and the file is full to-morrow. Case remanded till the 19th instant.

U. C. M.

Recognizance of Rs. 20 each from the witnesses. Accused may be enlarged on good bail of Rs. 200 each.

U. C. M.

The 9th June, 1896.—Under orders of the Deputy Commissioner, the order of bail is recalled and accused are committed to custody.

U. C. M.

URGENT.

DEPUTY COMMISSIONER—

In this case Deputy Magistrate, Upendra Chandra Mukerjee, has let out three men on bail in a special report case without first going into the evidence, though the witnesses for prosecution were present.

According to section 497, Criminal Procedure Code, the Deputy Magistrate should have first, I think, gone partly into the case and then given bail, if he considered the evidence against the accused weak or insufficient.

(*b*) Under what provision of any existing law did the Deputy Commissioner interfere with an order passed judicially by the Deputy Magistrate, and direct him to commit the accused to custody; and under what provision did the District Superintendent of Police appeal to the former against the order of the Deputy Magistrate? Is it not the fact that, under the law, the High Court alone could interfere with that order? Does the Government approve of such interference by District Officers? If not, will it be graciously pleased to take steps which may lead to its prevention?

2. The men standing bails are mukhtears, and the man marked thus is said to be unfit to go bail. Necessary orders solicited.

C. B.

The 9th June, 1896.

BABU U. C. MUKERJEE—

Please report and return by bearer.

L. F. M.

The Explanation of the Deputy Magistrate.

I could not go into the evidence of this case, as I was very fully occupied with a rioting case in which six witnesses were cross-examined in great length by vakils engaged in the case. It is humbly submitted that it is illegal to send accused to *hajat* without satisfying one's self that there is anything like a case against them. I therefore allowed them to be released on bail.

I should note that when the Police first sent the accused to have their confessions recorded by the Senior Deputy Magistrate a few days ago, they made no confessions or incriminating statements of any sort, and on the express ground that the Police failed to send any evidence to justify their being put into *hajat*, that this Court ordered the accused to be released on bail. When the A Form was sent I thought it would be fair to examine the witnesses at the trial in the regular way. If the accused have offered any security who is unfit to stand bail, the matter should be reported to me in the usual way. My order on the record was that the accused should give good bail.

UPENDRA CHANDER MUKERJEE.

The 9th June, 1896.

DEPUTY MAGISTRATE—

It is a question of the interpretation of section 497, Criminal Procedure Code. When accused persons are sent up in an A Form there are *primâ facie* grounds for believing that they have been guilty of the offence of which they are accused, otherwise they would not have been sent up. They should not be released on bail; therefore until it appears that such reasonable grounds do not as a matter of fact exist, you are requested to recall the bail and commit accused to custody.

L. F. MORSHEAD,
Offg. Deputy Commissioner.

The 9th June, 1896.

(*c*) Is it the fact that after the order referred to by the Deputy Commissioner the accused were taken to jail and kept there for several weeks, until on the case for the prosecution alone, and at its close, they were released from custody on bail and afterwards acquitted? Was the order committing them to jail passed in their presence?

(*d*) Does the Government approve of the general proposition which appears to have been laid down by the Deputy Commissioner and which would seriously affect the liberty of the subject, viz., that whenever an accused is sent up by the Police under any of the numerous sections relating to offences of a non-bailable character, it must be held that there are *primâ facie* grounds for believing that he is guilty of the offence charged, and he should not be released on bail until the contrary is made out? Is it the fact that statements before the Police may be, and are, made behind the back of the accused, and he has no means of testing them at the time? Is the Government aware that, altogether apart from any question as to the credit or capacity of any section of the Police, sometimes on the facts deposed to before the Police alone, no offence under the law is established at the hearing against the accused?

[*Mr. Risley.*]

The Hon'ble Mr. RISLEY replied:—

"One reply may be conveniently given to the separate questions asked by the Hon'ble Babu Surendranath Banerjee and the Hon'ble Mr. A. M. Bose.

"These are the facts of the case.—Three men arrested by the Police on a charge of robbery (section 392, Indian Penal Code) were sent before Babu Atal Bihari Moitra, the Senior Deputy Magistrate at Purulia, on the 4th June, 1896, to have their confessions recorded. They did not, however, confess, and no evidence having been sent with them, the Deputy Magistrate allowed bail in the sum of Rs. 400 each. On their failure to furnish bail they were kept in custody. On the 6th an A Form, sending up the accused for trial, was submitted by the Police, and the Deputy Magistrate passed an order that the men should be kept in custody until the 9th. This rescinded the previous order granting bail. On the 9th the Deputy Magistrate made the case over for trial to Babu Upendra Chunder Mukerjea, another Deputy Magistrate. The latter, without recording any evidence, though the witnesses for the prosecution were present, very improperly postponed the case to the 19th June, on the ground that he had no time, although he might easily have taken up the case in the afternoon of the 9th, as his other case work only occupied him up to 11-20 A.M. He ordered at the same time that the accused might be enlarged on bail of Rs. 200 each. The District Superintendent of Police brought the order to the notice of the Deputy Commissioner, and the Deputy Commissioner, being of opinion that bail should not have been allowed, since the Deputy Magistrate, having taken none of the evidence, which was ready, could not assume that there were no reasonable grounds for the serious charge against the accused, requested the Deputy Magistrate to recall the bail and commit the accused to custody. The bail was accordingly not allowed, and the accused remained in custody. On the 19th the Deputy Magistrate took up the case and examined some witnesses, and rejected an application then made to him for bail, wishing to hear further evidence. The hearing was postponed to the 27th, and thence to the 29th, for want of time: and on the latter date a charge was framed against the accused under section 392, Indian Penal Code. There were then further adjournments to the 30th June, and the 1st, 2nd, and 3rd July, and finally, on the last date, the accused were acquitted; no witnesses for the defence having been examined, and only one of

the witnesses for the prosecution having been cross-examined after the drawing up of the charge.

"There is no doubt that Mr. Morshead was technically wrong in the order which he passed requesting the Deputy Magistrate to recall the bail. The mistake was, however, made in good faith, through misapprehension as to his judicial authority. The Deputy Magistrate's order allowing bail, with which he interfered, appears, moreover, to have been wrong. The Deputy Magistrate should not have passed that order without first satisfying himself that there was some doubt as to the truth of the charge. He actually refused bail on the 19th June after hearing some of the witnesses, and he also drew up a charge against the accused, thus showing that he considered a *primâ facie* case to have been made out against them. It would appear that he allowed bail on the 9th merely because he had decided to postpone the case for 10 days, and not because he then entertained doubt as to the guilt of the accused.

"With regard to the third part of the Hon'ble Babu Surendranath Banerjee's question, the Lieutenant-Governor is satisfied that Mr. Morshead acted not executively, but on what he conceived to be his judicial authority. The mistake was made *bonâ fide* by an individual officer, and His Honour considers that no necessity exists for such steps as the Hon'ble Member suggests.

"With regard to clause (*d*) of the Hon'ble Mr. A. M. Bose's question, the Lieutenant-Governor does not feel called upon to interpret authoritatively the provisions of the Criminal Procedure Code, which both Magistrates and Police are required to follow, and which are sufficiently clear for their guidance."

COOLIE-RECRUITING.

In the absence of the Hon'ble Mr. A. M. Bose, who came late, the Hon'ble Babu Surendranath Banerjee asked—

Has the attention of the Government been drawn to the many cases reported in the *Bankura Darpan* and several other papers, showing the gross evils resulting from the present system of coolie-recruiting for the labour districts?

Has the attention of the Government been drawn to the following remarks on this subject of coolie-recruiting, reported to have been made by Sir Steuart

Bayley, late Lieutenant-Governor of Bengal, at a meeting held in London on the 14th of May last :—

'Systematic recourse to fraudulent recruiting and even to kidnapping became common—sufficiently common to be felt as a discredit to the Administration' (*vide Statesman* of 1st July) ?

And also to the following remarks reported to have been made at the same meeting by Sir Charles Elliott, late Lieutenant-Governor of these Provinces :—

'The great evil which had arisen with regard to the competition for labourers had arisen from the immense number of different persons who were competing against each other, deceiving each other, stealing each other's coolies, kidnapping women and children, or enticing them by false pretences, and even using force and wrongful confinement, so that they constantly figured in the Police Courts.' (*Statesman* of 1st July.)

What steps does the Government propose to take on behalf of a most helpless and ignorant class of its subjects, both men and women, to put a stop to the sad abuses referred to in the above extracts ?

The Hon'ble MR. FINUCANE replied :—

" The special attention of Government has for some time been directed to the whole system of coolie-recruiting for the labour districts. The subject is still under consideration of Government. "

LABOUR COMMISSION'S REPORT.

In the absence of the Hon'ble MR. A. M. BOSE, who came late, the Hon'ble BABU SURENDRANATH BANERJEE asked—

Has the work of the Labour Commission been finished ? When is its report expected to be published ?

The Hon'ble MR. FINUCANE replied :—

" The report of the Labour Commission has been lately received, and been sent to the Chamber of Commerce, the Mining Association, the Tea Association, and other authorities for their remarks. It cannot be stated exactly when the report will be disposed of, but copies are available for purchase at the Secretariat Press, and are now being forwarded to the principal newspapers for information."

BENGAL MUNICIPAL ACT, 1884, AMENDMENT BILL.

The Hon'ble MR. RISLEY moved that the consideration of the Bill to further amend the Bengal Municipal Act, 1884, be resumed.

The Motion was put and agreed to.

The Hon'ble BABU GURU PROSHAD SEN said:—"Before proceeding to move the first amendment which stands in my name, I should like to know, through the Hon'ble Member who represents the Local Government in relation to this Bill, whether the large class of carters, who have enjoyed the privilege of voting during the last twelve years, will, with the present definition of the word 'rates' in its most restricted sense, still have that privilege, that is to say, whether, the rules will confer the franchise on this large body of men. I may add that section 15 now gives the Government power to deal with such cases, even if they do not fall under the provisoes of that section under the explanation added to it."

The Hon'ble MR. RISLEY said:—"I understand the Hon'ble Member's intention is to offer to withdraw the amendment, of which he has given notice. As he has so gracefully retired from the uncompromising position he took up the other day, and is content to leave the matter to the discretion of Government, I am glad to be able to say that I have not the slightest hesitation in giving the assurance which my hon'ble friend wants, namely, that there is no intention of withdrawing the franchise which this body of men have had ever since the year 1886. Any action intended to restrict the franchise in any direction will only be undertaken on the strongest representation from a Municipality itself."

The Hon'ble BABU GURU PROSHAD SEN in reply said:—"Having received this assurance, I have much pleasure in withdrawing the amendment. I could not have advanced the cause any further by pressing for my amendment than what I have got from the assurance which has now been given."

The Motion that sub-section (*2*) of section 3 of the Bill be omitted was then, by leave of the Council, withdrawn.

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR moved that in section 6, clause (*v*) the words "and libraries" be inserted between the words "schools" and "either."

He said:—"The Bill recognises the principle that a certain portion of the Municipal Fund may be devoted to the establishment and maintenance of schools, either wholly or by means of grants-in-aid, and it follows as a corollary that a portion of the Municipal Funds may also be spent on the establishment and maintenance of libraries. Libraries are schools where boys and grown-up men may alike take instruction. They are in one sense hospitals in which those who are diseased in mind and body are ministered to by a class of superior doctors, who do not claim their fees. I find that provision has been made in the Calcutta Municipal Act to legalise the expenditure of a certain sum of money upon the maintenance of 'free libraries,' and there is a similar provision in the Bombay Municipal Act (VI of 1873). It is not with the object of incorporating into the Bengal Municipal Act provisions which are found in the Calcutta Municipal Act and the Bombay Municipal Act, that I press this amendment for the consideration of Hon'ble Members, but because the want of libraries has been sadly felt in mufussal Municipalities. I am personally aware that in Hooghly there is a library established by the munificence of the local zamindars for the use of the public, some thirty years ago, and there are still funds amounting to about Rs. 3,000 in the hands of the Collector of Hooghly, who is the trustee of that library. This library had its subscribers, but they have ceased to pay, and the library is now shut up, as it now receives no support at all from any quarter. With the extension of education and a consequent increase in the number of educated rate-payers, such a provision has become absolutely necessary, and I hope the Council will see its way to accept the amendment."

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR said:—"The Council will be pleased to observe that this amendment refers to clause (*v*) of section 69, and is not comprised within the group of clauses to which the proviso relates. This amendment ought not to be accepted. Libraries have all the advantages claimed for them in the eloquent and figurative language employed by the Hon'ble Mover of the amendment. Sir John Lubbock in his book, 'The Pleasures of Life,' says: 'Comfort and consolation, refreshment and happiness, may indeed be found in his library by any one who shall bring the golden key that unlocks its silent door. A library is true fairyland, a very palace of delight, a haven of repose from the storms and troubles

of the world. Rich and poor can enjoy it equally, for here at least wealth gives no advantage. We may make a library, if we do but rightly use it, a true paradise on earth, a Garden of Eden without its one drawback; for all is open to us, including and especially the fruit of the tree of knowledge, for which we are told that our first mother sacrified all the pleasures of Paradise. Here we may read the most important histories, the most exciting volumes of travels and adventures, the most interesting stories, the most beautiful poems; we may meet the most eminent statesmen, poets and philosophers, benefit by the ideas of the greatest thinkers, and enjoy the grandest creations of human genius.' (See page 63, the 'English Citizen: his Life and Duties,' by Charles Henry Wyatt.)

"But although the advantages of a library have been set out in such glowing terms, still it is questionable whether the funds of the Municipalities should be diverted in the manner proposed by the Hon'ble Mover of the amendment to the establishment and maintenance of libraries in the mufassal. The resources and wealth of the Municipalities are pretty well known; so also their immediate wants requiring immediate attention. I do not think libraries in the mufassal are matters of such necessity that municipal funds must be devoted to them. I am not therefore prepared to vote in favour of the amendment."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"I am not in agreement with the Hon'ble Member who has just spoken. We have been treated to some poetical effusions from a distinguished writer, notwithstanding that our work here is of the most prosaic order. The question is not whether the provision now under consideration should be made a compulsory obligation on the part of Municipalities, but whether power should be given to Municipalities which they may exercise in their discretion for the promotion of the interests of education in general. My hon'ble friend's amendment is in entire accord with the accepted principles of the municipal law. In section 6 of the Bill we have a statement of the objects to which the municipal fund may be applied; Municipalites may devote their funds to the establishment and maintenance of schools, hospitals, dispensaries, and a variety of other purposes; and, if my hon'ble friend's amendment be accepted, municipal funds may also be devoted to the establishment and maintenance of libraries. And then, as a matter of fact, we, in the Calcutta Corporation, make a grant of Rs. 4,000 a year as a

contribution towards the maintenance of the Calcutta Public Library as a free library, and I submit that mufassal Municipalities ought to have a similar power conferred upon them. The principle is admitted that Municipal Funds may be devoted to educational purposes, and the enlargement of the power now proposed would involve only a slight amplification of this principle. I hope the Hon'ble Member in charge of the Bill will see his way to accept this amendment."

The Hon'ble MR. PRATT said:—"I regret I cannot agree to this amendment. It seems to me that in mufassal Municipalities, where the proportion of highly educated people is comparatively small, a library will be a luxury enjoyed by a very small portion of the community. The books in these libraries will be almost entirely in English, which probably not 5 per cent. of the population will read. I do not think it fair to compare mufassal Municipalities with Calcutta, where we have a very large proportion of the community highly educated, and in this respect I think a distinction should be made between the Calcutta Municipal Act and the Bill now before the Council."

The Hon'ble MR. GRIMLEY said:—"The amendment regarding 'libraries' will doubtless commend itself to many, though it might conveniently have been brought forward at a much earlier stage of this Bill, so as to have permitted of local opinion being obtained, and of its being considered by the Select Committee. The proper place, however, for it would be among clauses 8 to 11; for a library, as the HON'BLE MR. PRATT has said, is undoubtedly a luxury which should not be permitted or indulged in until all ordinary expenditure has been provided. A library must be free, and it may be necessary to impose a library rate, for there is the question of maintenance to be considered. In most mufassal stations there is a library for Europeans, and I feel no doubt that if free municipal libraries were started, the committees of many of these European libraries would be able to present many of their superfluous books to it, and gifts might also be expected from persons leaving a station on transfer. The idea of municipal libraries is one to be encouraged. If, then, the sense of this meeting is in favour of the proposal, I would suggest that the following words be placed either after clause (xi) or before clause (viii)—'the establishment and maintenance of public libraries.'"

[*Mr. Risley; the President.*]

The Hon'ble MR. RISLEY said :—" I fully accept the principle upon which the establishment and maintenance of free libraries is permitted in the Calcutta Municipality, namely, that in questions of this kind we should give full discretion to the Corporation. Unfortunately in this particular case the proposal has been brought forward so late in the day that we have not been able to obtain any expression of opinion from the Municipalities which are concerned. I think that theoretically the matter may be taken as an open one. I regret I cannot altogether agree with my hon'ble friend Mr. Pratt, or my hon'ble friend on my left (Maulvi Muhammad Yusuf) that a library is merely a luxury. I know that in the stations of Gaya and Rangpur the people were much benefited by the establishment of libraries which were the gifts made by certain Judges on their retirement, and that they were much resorted to, and I should not be at all surprised to find that the Municipalities of those stations did contribute towards the support of those institutions. But it is quite clear that the interpretation which the Hon'ble Mover of the amendment attempted to put upon the section is not tenable. You cannot say that libraries are either schools or hospitals. It is also equally clear that any library which may be established or contributed to, must be a free library which is a distinct omission in the terms of the amendment, and I do not know that it would not be well to consider the provisions of the English Libraries Act which restricts the contribution by the local authority to a penny in the pound, or one two-hundred-and-fortieth part of the annual income, or say about a pie in the rupee. Whether some limitation of this kind should not be attached to the provision is a matter for consideration; but I am perfectly sure that if the amendment is accepted, it should come after clause (xi), so that it may be included among the forms of expenditure, which should only be undertaken after all the other forms of expenditure which are mentioned have been met and disposed of. Subject to that condition, I am prepared to vote for the amendment as a provision of the same category as those specified in clauses (viii) to (xi). The question is entirely an open one for the Council to determine."

The Hon'ble THE PRESIDENT said :—" I think that this amendment ought to be allowed. I consider that the range of subjects over which this section 6 travels is so large, and embraces so many useful purposes, that I cannot for a moment conceive why this very useful purpose, the establishment and maintenance of libraries, should not also be included. A man's education does not

end when he leaves school; he begins then to mature what he has learned before, and a library is very necessary for that purpose; and taking the proposal in connection with the establishment and maintenance of schools for which provision is made in the Bill, I cannot conceive a more useful purpose. But whether this provision should be inserted where it is proposed by the Hon'ble Mover of the amendment, as an addition to clause (v), or where the Hon'ble Mr. Grimley suggests it should come, is for the Hon'ble Member in charge of the Bill to consider."

The Hon'ble MR. RISLEY, by way of amendment, moved that the following new clause be inserted after clause (xi), in section 6:—

"(xii) the establishment and maintenance of free libraries;"

Also that the remaining clauses of the new section 69 (*1*) be re-numbered accordingly, and that in the proviso to the same section for "xi" the figures "xii" be read.

These amendments were put to the vote and agreed to, and the original motion of the Hon'ble Rai Eshan Chundra Mittra Bahadur was withdrawn.

The Hon'ble BABU GURU PROSHAD SEN moved that in section 6, clause (*viii*), the words "and of veterinary practitioners" be omitted, that is to say, that the training and employment of veterinary practitioners be not included as one of the objects upon which Municipal Funds may be expended.

He said:—"There is no doubt that the object aimed at by these clauses of the Bill are very desirable ones. But the question is whether the scanty revenue of our Municipalities should be devoted to the purpose. I submit in reference to this amendment, and also with reference to other amendments standing in my name on this subject, in regard to which I shall not separately address the Council, that they are very desirable objects no doubt, but the question with reference to all of them also is whether Municipal Funds should be applied to these purposes. Instead of giving you my opinion upon the matter, I shall simply put before you certain opinions given by public Associations and other bodies and persons. The Calcutta Trades' Association, of which we find an hon'ble representative here, say:—

'The Bill further proposes to empower municipalities to spend money on the improvement of the breed of horses, cattle and asses, and on the breeding of mules. The Committee

[*Babu Guru Proshad Sen.*]

submit that these are purely agricultural objects, which do not come within the scope of municipal enactment, and on which, therefore, municipal funds should not, in their opinion, be employed: indeed, the committee consider it would be unwise to divert any portion of the scanty revenues of municipalities to objects other than those for which they are intended, such as the provision of a water-supply, the repair of roads, the improvement of sanitation, etc. If experiments for the breeding of mules and the improvement of draft cattle are necessary, the committee submit that the same should be conducted by, and at the expense of, the State alone. As to the probability of such experiments proving *a source of profit to the Commissioners*, the committee of the Association doubt the expediency of allowing a township to embark on schemes for the improvement of cattle and the breeding of mules, on the chance of obtaining a profit. There is in this an element of speculation which the committee feel should not be introduced amongst municipal objects.'

"The Indigo Planters' Association say:—

'It seems very improbable that natives will take advantage of any veterinary staff or hospital for the treatment of cattle or horses. There is at present a competent establishment in Muzaffarpur under charge of persons who have passed through the Lahore Veterinary College; but it receives little or no encouragement or support from the zemindars or people generally. It is believed that horses cannot be bred with success on this, the (north) side of the Ganges, and the attempt at mule-breeding, made under Government auspices some years ago, was a conspicuous failure.'

"The Eurasian and Anglo-Indian Association say:—

'The Association, however, are inclined to question whether it would be good policy, and whether any practical benefit would result, if breeding establishments for cattle and horses or for mules were directly established and maintained by municipalities. It is doubted whether municipal bodies are fitted for the management of such enterprises, which, to be economically and efficiently worked, must be conducted by owners under the stimulus of personal interest, and which under paid agency are likely to be costly failures, as even the Government stud department has proved.'

"The Bengal National Chamber of Commerce say:—

'The Committee cannot refrain from observing that municipal funds, specially intended as they are for purposes of sanitation and conservancy and other purposes of a cognate nature, and which are hardly sufficient for satisfying their requirements, cannot legitimately be devoted to objects specified in the second paragraph of the letter under reply, the costs of which, vast as their scope is, should, the Committee respectfully submit, be borne from the Provincial funds.'

[*Babu Guru Proshad Sen.*]

"The British Indian Association has something to say to the same effect:—

'Considering that the resources at the disposal of Municipal Commissioners are limited, and that the number and character of works on which the municipal fund may be spent are diverse, it is desirable that, except in the matter of works of primary importance, they should be given full and free scope in the selection of works. The training and employment of medical and veterinary practitioners and the establishment of dispensaries for the treatment of animals—in short, all the new clauses added to section 69 should be left entirely to their discretion. They should be also left unfettered as to the system of training and treatment, for it is still a moot question whether the native system of treatment of domestic cattle is not superior to any foreign system.'

"The Bhagalpur Landholders' Association say:—

'As regards section 5, the new provisions occur in clauses (6), (8), (9) and (10) of sub-section 1 to section 69 and in sub-section 3. There is not much objection to the provisions contained in clause (6). The establishment and maintenance of veterinary dispensaries at the cost of the municipality is not required, and is not desirable at present. The treatment of horses and other animals, however desirable, is not of such urgency as improvements in other directions. The municipal fund should not be applied for the above purpose unless it can be spared after adequate provision has been made for more legitimate purposes. There are municipalities where roads are in a wretched condition, and conservancy and latrine arrangements are very unsatisfactory, and yet the municipal fund is diverted to pet projects, and the same may be done if discretionary power be vested in the Municipal Commissioners under these new provisions. As regards clause (10), the objection would apply very forcibly. It is not the business of municipalities to embark in trade. It is not desirable to burden them with the work of improvement of the breed of horses, cattle and asses and the breeding of mules. There will be a danger of the municipal fund being appropriated to this purpose at the sacrifice of improvements of a more legitimate character affecting the health, comfort and well-being of the townspeople. A small expenditure will be inadequate for the purposes referred to in clauses (6), (8), (9) and (10), and if the expenditure be large, it would affect the other purposes to which the municipal fund can be applied. Novelty is more attractive, and a Municipal Chairman and Municipal Commissioners, for the sake of introducing a new thing, would not be unwilling to incur expenditure, for the purposes referred to in the aforesaid clauses, to the sacrifice of other necessary purposes. The matter should be considered from a practical and not from a theoretical point of view. The argument that the appropriation of the municipal fund to the purposes mentioned in the new provisions will be entirely in the discretion of the Commissioners may be good in theory, but in practice the discretion is not always judiciously exercised. The power should not be given unless it be required, and my Association are of opinion that the power to apply the municipal fund to the purposes specified in clauses (8) and (10) is not required. My Association would further

suggest that the training of medical and veterinary practitioners should be restricted to such of them as would practise within the limits of the municipality defraying the cost of the training, so that it may reap the benefit of the cost incurred. Why should a person trained at the cost of a particular municipality be free to practise anywhere he may choose, and not be bound to practise in the municipality which met the cost of his training?'

"To these opinions may be added the opinions of some officials. I shall not trouble the Council by reading all the opinions in favour of my amendment, but I shall call attention to the opinions of Mr. Westmacott, Commissioner of the Presidency Division, Mr. Bourdillon, Commissioner of Patna, and Mr. Dutt, Commissioner of Orissa.

"Mr. Westmacott says:—

'*Training of veterinary practitioners, veterinary hospitals and dispensaries, appointment and payment of veterinary practitioners.*—I do not think that municipal funds should be spent on these objects until there is a public demand for it. At present, I believe, any veterinary hospital would remain empty, and any veterinary practitioner would remain idle, so far as native owners of cattle are concerned. Such a legal provision as is proposed might do no harm so long as Municipal Commissioners are unable to spend money on these objects without the sanction of the Commissioner of the Division, but I do not think the provision, even when permissive, is at all required by the people. A few fussy amateurs might get up an agitation on the subject; but so long as the public do not want the expenditure, I see no use in making it permissive.'

"Mr. Bourdillon says:—

'As regards section 5, my personal opinion is that the improvement of the breed of horses, cattle, and asses and the breeding of mules are not objects on which the money of the rate-payers should be expended. Besides the fact that the rate-payers will derive little if any, benefit from them, there remains the consideration that these operations to be successful must be carried on by a specially trained staff, and that they require constant attention, are expensive, and as far as the experience of Government goes, doomed to failure. For all these reasons, I should be unwilling to see any municipality given the opportunity of spending public money on such schemes.'

"Mr. Dutt says:—

'Mr. Bell's opinion is quoted below:—

'He says:—"While fully realising the importance of endeavouring to improve agriculture in these as in many other ways, I think that such an object should not be delegated to municipalities, but should be kept under the direct control of the central Government of the

Province. The improvement of agriculture is a public function which, specially in a country like India, concerns all, and that alone is a weighty reason for entrusting it to a central Government."

'I think there is considerable force in what Mr. Bell says. It appears to me that *the training and employment of medical and veterinary practitioners* is an object in which residents outside municipalities have a larger interest than those in towns, and I scarcely think such institutions should be supported from municipal contributions, unaided by contributions from other sources, and the same remark applies to the establishment and maintenance of veterinary dispensaries, the appointment and payment of qualified persons to treat animals, and the improvement of the breed of horses, cattle, &c.

'The resources of mufassal municipalities are also exceedingly poor, and are not fully adequate in any large town that I know of in Bengal to provide for necessary sanitary improvement and the provision of water-supply.'

"It will probably be said that there are the opinions of the Chairmen of a number of municipalities in favour of the provision in the Bill, but looking to those opinions, we find that most of them say:—'We are poor; the provisions do not affect us; but we do not see any objection to the provision applying to Municipalities which can afford to spend money over them;' if not, like the opinion of a Deputy Commissioner, who says 'I am very busy, have no time for this, but I approve, I submit that the body of weighty opinions which I have quoted should not be disregarded. The only thing that will be said is that the expenditure is permissive. The legislature simply enables—it does not compel.' True, but let me remind you of what Mr. Westmacott says:—'A few fussy amateurs might get up an agitation on the subject.' Let me then tell you what the Bhagalpur Landholders' Association say:—'Novelty is very attractive, and a Municipal Chairman and Municipal Commissioners, for the sake of introducing a new thing, would not be unwilling to incur expenditure for the purposes referred to in the aforesaid clauses, to the sacrifice of other necessary purposes.' While on this point I shall give you a concrete case. The other day I asked a question in this Council about the expenditure by a certain Municipality of Rs. 37,000 for the acquisition of certain land."

[The Hon'ble MR. RISLEY:—"I submit this is not relevant."]

[The Hon'ble THE PRESIDENT:—"It is by way of illustration, and is not out of order."]

The Hon'ble BABU GURU PROSHAD SEN, continued:—"I am simply illustrating my point. The acquisition of land was for the purposes of the Sonepur fair. On turning to the law, you will find that there is nothing in the law to justify the expenditure of money for such a purpose, and if in that instance money could be expended beyond the sanction of the law, what would there be to prevent it being done in regard to the matter now under discussion. Again, the subject of deterioration of cattle in this country attracted attention long ago. In 1871 there was a Commission, and an elaborate report was drawn up, after a searching enquiry. The Commission determined the causes and pointed out remedies. It is only the Imperial Legislature which can, to some extent, grapple with the causes, and it is the Imperial exchequer which alone can supply sufficient funds for carrying out the remedies. We have waited these twenty-five years without taking any initiative whatever, exceping, perhaps, the formation of a veterinary school at Belgachia two or three years ago, and now it appears to me somewhat odd that the first experiments regarding this matter should commence with local funds. It is not fair, I submit, that to carry out the suggestions of that commission or to try experiments, money should be spent from local funds. The subject is one of Imperial interest or at least of Provincial concern. We here in Bengal entertain a costly establishment under a Director of Land Records and Agriculture. To outsiders it appears from the work turned out that this Department is dying of inanition. The proper course possibly would be to give it work, and work for which at least the Provincial funds should be available. But certainly I am sure that the money for these purposes should not come out of municipal funds. Look at the state of those funds. You have in all about 22 lakhs raised by 146 Municipalities; under municipal administration, you have $2\frac{3}{4}$ million inhabitants, but the municipal revenues are not contributed by all these people, but by a small knot of rate-payers whose number does not exceed 450,000, *i.e.*, about one-sixth of the population under municipal administration. Why then should the Municipal funds be charged with the additional duty of looking after animals with which they have no concern when they have not only themselves, who supply the rates, but five-sixths of their fellowmen, who do not pay the rates to look to? With these remarks, I ask the Council to support my amendment."

The Hon'ble MR. RISLEY said:—"The Council has nothing to do with the question whether veterinary medicine and surgery are or are not wanted in India.

[*Mr. Risley.*]

That point has been settled long ago by authority. The Cattle Plague Commission in 1870, Dr. Voelcker in 1892, and Dr. Fleming in his various writings had said the last word on the subject. Their conclusion is that enormous numbers of cattle and horses die every year from preventable causes, and Dr. Fleming, the leading expert on the subject,—an expert with special Indian experience—estimated the yearly loss on this account, the yearly diminution of the wealth of the country, at nine millions sterling. If anyone is rash enough to attempt to go behind this mass of evidence, all I can say is that that person will have a very long day's work. By the time he has read the literature he will probably have learned enough to qualify him to agree with the experts. If he has not, his opinion may be neglected. The real question before the Council is—Can Municipalities, and local bodies generally, properly be empowered to contribute to veterinary schemes? This is only a part of the larger question of which much has been heard in Europe and is likely to be heard in this country—What is the proper division of functions between the Central Government and the organs of Local Government? Much has been written on this subject of late years, and all writers of whatever school and whatever nation agree that the principle of general and particular interest governs the division—what affects the whole society is done by the Central Government; what is specially needed by a locality or minor division is usually done by the latter. All who have touched the subject, whether practical politicians like Mr. Goschen, or theoretical economists like those of the continental school accept this principle, which, after all, is the plainest common sense. I ask that this principle be applied to what is proposed by the Government. It is to the general interest of the people of the Province that veterinary practitioners like medical practitioners, should be properly trained, so that they may cure and not kill. Therefore Government started, as it has done here, and as other Governments have done in Bombay and Lahore, Veterinary Colleges. These Colleges further serve the interest of the society generally by opening respectable and lucrative careers to educated young men of the over-crowded middle classes. The conversion of the existing school here into a college, and the raising of the scales of pay will greatly improve the prospects of the men who take up this line. It is also to the interests of Society generally that veterinary practitioners and veterinary institutions should be subject to inspection and control. For this reason the Government provides an inspect-

ing and controlling staff. As to the practical working of the scheme, the Hon'ble Mr. Finucane is better acquainted than I am with the administrative details, but I understand the general idea is to place before the local bodies of a certain number of districts a scheme for a veterinary dispensary with a suitable staff, and to invite them to accept it. Something may at the same time be done for the interior of districts by opening dispensaries, or appointing Veterinary Assistants in large Government or Wards' estates. In all dispensaries some income might be secured by charging fees on a reasonable scale, to be approved by local bodies and Commissioners of Divisions, for the treatment of horses and cattle belonging to well-to-do individuals or companies. A scheme thus framed is precisely in accordance with the principle which I have quoted. It puts upon local funds matters of particular interest—dispensaries which will serve a special area and so forth,—and it leaves matters of general interest to Provincial funds. Municipalities will, moreover, have another source of income to help them in the form of the fines realised under the Act of 1869 for the Prevention of Cruelty to Animals. During the five years ending 1894-95, receipts from that source increased in mufassal Municipalities from Rs. 5,000 to Rs. 28,000, and the Government of India have sanctioned the continuance of the existing arrangement for a further period of five years. This concession will, no doubt, be maintained as an inducement to Municipalities to interest themselves in veterinary undertakings.

"The Hon'ble Mover of the amendment has spoken to the whole case, and I will also deal with the whole matter. The Hon'ble Member has quoted certain 'opinions' on the matter. I will deal with those opinions in the order in which they have been quoted. As to the opinion of the Trades' Association, that Association makes, only with less authority, the same points as the Planters' Association does. The Association suggests that the assistance of Municipalities 'should be limited to the grant of scholarships.' But this is exactly what is meant by training. This and practically nothing more. The term could not be defined more closely. The opinion of the Planters' Association is an opinion which should carry some weight. It should be treated with respect, as the planters certainly know what they were talking about. But even the planters were not infallible. They argue from a single instance of very recent date. The establishment at Muzaffarpur is only a year old. I should have liked to have heard a little more about it. It is possibly due

to the fact that the institution is in charge of unsympathetic foreigners,—Punjabis—that it received so little support from local zemindars. Punjabis and Purbias, like oil and vinegar, cannot unite. They hate each other and cannot understand one another's language. Government has recognised this difficulty and has proposed to raise the status of the local veterinary school, and teach up to a higher standard, in order to avoid employing foreigners from Bombay or Lahore. As to horses there is little doubt that they cannot be bred successfully north of the Ganges, nor at Dacca, but surely they can south of the Ganges in Arrah. In regard to mules, where Government failed Municipalities might succeed. At any rate Municipalities will not attempt to breed them unless there is a fair prospect of remuneration. The Defence Association has no authority for their opinion. As for the Bengal National Chamber of Commerce, its opinion, taken as a whole, is that the proposed system will be to the advantage of Municipalities. Most of the Municipalities have declared in favour of the scheme. The Hon'ble Mover of the amendment has laid special stress upon the remarks of Mr. Bourdillon, the Commissioner of the Patna Division. It is true that Mr. Bourdillon says:—'Besides the fact that the rate-payers will derive little if any benefit from them, there remains the consideration that these operations to be successful must be carried on by a specially-trained staff, and that they require constant attention, are expensive and, as far as the experience of Government goes, doomed to failure.' Now, as to the benefit to be derived by the rate-payers; surely very many of them own cattle. In all Municipalities, in overgrown villages, even in real towns, cattle are kept under horribly unsuitable conditions. Take the case of Dacca, where four or five years ago there was a severe outbreak of cholera. Several cases were traceable to bad milk. If Dacca had kept a veterinary practitioner, he would have stirred up the Gowalas, if he did nothing else, and would have earned more than his pay in the saving of human life, let alone the cows. As to the necessary trained staff, Government has a college whence to supply them. Then as to the anticipated failure. The real cause of the failure of the Government Studs was that the establishments were worked on a very expensive scale, and the cost of a horse bred at one of these establishments was very high. Horses could be obtained cheaper from Australia. Where Government failed, private enterprise has everywhere succeeded. Then the fact is overlooked that Municipalities will not undertake breeding operations unless

they are assured that they are likely to pay and can undertake the operations cheaply. Mr. Bourdillon then goes on to say that 'trained assistance should be available for the use of the rate-payers.' Of course it will be. They do it already in the case of medical practitioners. Municipalities will assuredly take excellent care that the people they train will work for them when their education has been completed. They can deal with them under any bye-laws they may frame. As far as I understand him, Mr. Bourdillon would not object to the section in its present form.

"One very interesting opinion has been received from Babu Umesh Chunder Ghosh, the Chairman of the Jessore Municipality. His concluding remark in his reply to the application for his opinion runs thus: 'The provisions for breeding and training of medical men may be made both in the Municipal Act and in the District Board Act.' This gentleman is evidently a very advanced person, and it would be interesting to know how he intends that his recommendation for the 'breeding and training of medical men' should be given effect to. It is a difficult enough job to train doctors, let alone breeding them. The Hon'ble Mover of the amendment has quoted the opinion of Mr. Westmacott, the Commissioner of the Presidency Division. It is pleasant to see how, in the necessities of debate, the lion and the lamb have lain down together. Mr. Westmacott, as is well known, is an authority on horses, but I am not aware that he is strong on cows. He, however, sees no harm in the measure 'so long as Municipal Commissioners are unable to spend money on these objects without the sanction of the Commissioner of the Division.' That of course they can in no case do. The opinion of Mr. R. C. Dutt, the Officiating Commissioner of the Orissa Division, is also, as a whole, in favour of the section, under certain reservations. In regard to the purchase of a plot of land at Sonepur, an unfair attempt has been made to prejudice those who have brought it about. What is the use of Local Self-Government if local bodies are not to be trusted to some extent? The Sonepur District Board proposed the purchase, and the expenditure was perfectly legal. Before the purchase was completed, the local Government declined at first to give sanction, but said that if the District Board pressed the point and showed good cause, the necessary sanction would be given. They did show cause, and Sir Charles Elliott accorded his sanction to the arrangement. This was done in the interests of sanitation and for the better regulation of a great fair, and

it is well known that Sonepur during its annual great fair is the centre of cholera.

"I have also to say that the scheme on which the Municipalities have recorded their opinions is distinctly less favourable to them than the scheme as it now stands. The former said nothing about the combination of all the local bodies in a district, an arrangement which obviously lightens the burden of any particular Municipality. Nevertheless 102 Municipalities are for, and only 7 are against, it. Had they had before them the scheme as it now stands, I have little doubt that the opinion would have been unanimous. Anyhow I have stated the facts. A definite proposal has been put before the local authorities, and all but an insignificant minority have accepted it. What happens next? The professed advocates of Local Self-Government turn round and laboriously discredit the action of local authorities whom they themselves represent. I confess I do not understand the position. If the Council cannot trust the elective Municipalities to know their own minds, how can these bodies be trusted to do anything—to elect a member of Council for example. What is the good of them? That is not what I say, but what the supposed friends of Local Self-Government have been saying this day. But people must be consistent. One cannot face both ways—swear by Local Self-Government when it suits one's purpose and disown it when it produces unexpected results. I note that what I will call the coercion argument has been made use of in the Council to-day and has apparently had its weight with the Hon'ble Member for the Trades' Association. Now this talk about coercion reminds me of the famous examination answer, which everybody knows—'The horse is a noble animal, but if you drive him he will not do so.' That is just the way of Municipalities. They are noble institutions, but if you drive them 'they will not do so,' particularly if you want to drive them to do something which the law leaves optional with them.

"In conclusion, I trust seriously that the Council will reject all the amendments on this subject, and pass the provisions in the Bill as they stand. The Bill is a deliberate and well considered attempt to deal with a very difficult problem. It deals with it, as I have shown, on recognised principles, and in the present stage of the question we are bound to be comprehensive. We are some extent feeling our way. We are also bound, as far as possible, to follow the same lines as other Provinces. The thing has got to be tried.

There is every reason to believe it will succeed. At any rate I can give the most positive assurance that it will be worked with all fairness towards local interests."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"While I sympathise to a great extent with what has fallen from the Hon'ble Member in charge of the Bill, I think the Council should not accede to his suggestion to receive all these proposals *en masse* in the form in which they have been recommended by the Select Committee, by whom no doubt they were very carefully considered. The clauses should, I think, be considered separately with reference to the modifications which have been proposed. I have listened with great interest to the speech of the hon'ble mover of the amendment. But I have not been convinced by his arguments. When this Bill was introduced in March last, it was recommended, I believe, by the Hon'ble BABU GURU PROSHAD SEN himself that the Bill should be circulated among different public bodies and among the several municipalities in the Province for an expression of their opinion. That has been done, and we have before us a big tome of papers, mostly from the municipalities which have been consulted. It is a matter of the first importance that we should consider with great care and attention the opinions of the municipalities who will be called upon to administer the provisions of this Bill. However great may be my respect for the various Associations who have submitted their opinions, the Bihar Planters' Association, the Chamber of Commerce, the British Indian Association, the Bengal National Chamber of Commerce, I am bound to say that, in matters affecting municipal interests, I would attach greater importance to the opinions of those who have a larger interest in and a more intimate knowledge of municipal affairs. As has been pointed out by the Hon'ble Member in charge of the Bill, 106 municipalities gave their opinion in favour of the veterinary clauses of the Bill. Only five or six are opposed to them, and about a dozen at the most give a somewhat uncertain sound. I say that we are bound to pay the utmost possible deference to these expressions of opinion. My hon'ble friend the mover of the amendment referred to the opinion of the British Indian Association, and let me repeat the words he used in doing so. He said:—'The British Indian Association say something on the subject.' What that something was, he left his hearers to infer. That something was distinctly in

favour of the Bill before us. I will read to the Council what the Association say. They observe:—

'*Section 5.*—Considering that the resources at the disposal of the Municipal Commissioners are limited, and that the number and character of works on which the municipal fund may be spent are diverse, it is desirable that, except in the matter of works of primary importance, they should be given full and free scope in the selection of works.'

"I claim on behalf of the Select Committee that such full and free scope is provided by the terms of the proviso we have attached to this section of the Bill. The British Indian Association go on to say—and I desire to draw the special attention of my hon'ble friend the mover of the amendment to this part of their observations;—

'The training and employment of medical and veterinary practitioners and the establishment of dispensaries for the treatment of animals—in short, all the new clauses added to section 69—should be left entirely to their discretion. They should be also left unfettered as to the system of training and treatment, for it is still a moot question whether the native system of treatment of domestic cattle is not superior to any foreign system. The Committee would accordingly beg leave to suggest that the new clauses be added to the proviso appended to section 69.'

"In fact we have gone a step further. We have provided that it is only after the primary needs of a municipality have been fully met that a municipality will be at liberty to spend municipal funds upon the objects mentioned in clauses (viii) to (xii) of the section. Thus then the opinion of the British Indian Association, to which my hon'ble friend referred in somewhat ambiguous and doubtful terms, is an opinion which entirely supports these provisions of the Bill as now modified by the Select Committee.

"There is another opinion to which I think my hon'ble friend will attach the utmost importance, because it is the opinion of a gentlemen who is held in the highest possible respect by all those who have the honour and the privilege of his acquaintance—I refer to Babu Ambica Charan Mazumdar, Secretary to the Faridpur People's Association. He says:—

'The avowed object of the Bill seems to be to provide for the protection and improvement of the live-stock in the country. In this the Committee of the Association fully shares the views of the Government; and as a preliminary attempt towards the practical solution of a great economic problem, it cordially welcomes the proposal of Government to accord its sanction to the establishment of veterinary institutions in the country. Though the Committee is not very sanguine as to the probable results of the proposed experiment, it

would not hesitate to say that it wholly dissent from the view expressed in certain quarters that no portion of the municipal funds can be legitimately appropriated to any such purpose as the one now under consideration. In fact, since the amending Act of 1894 has rendered even agricultural holdings chargeable with the municipal tax, the Committee does not see how municipal corporations can altogether repudiate the responsibility which naturally attaches to them for effecting some improvement in the breeding and rearing of cattle. Those who are entrusted with the duty of preventing cruelty to animals ought at least to have some arrangement made for protecting them either from natural diseases or from the effects of such treatment. It may be that in many cases, owing to want of necessary funds, this object of the Bill will practically remain a dead-letter. Nevertheless, if the barest recognition of the principle by Government will encourage and stimulate some Municipalities to give effect to the noble intentions of the Bill, the labour of the Government and of its Council will not be deemed to have been spent in vain.'

"I attach very great importance to this opinion, and I am certain that my hon'ble friend will attach a similar measure of importance to it. Therefore, having regard to these expressions of opinion, I submit that these clauses should form a part of the Bill. Whether they should be modified and changes made here and there are matters which may fairly admit of discussion; but as far as the principle of the inclusion of these veterinary clauses within the scope of the Bill is concerned, I am bound to say that, having regard to the opinions which have been received, and to which the Hon'ble Member in charge of the Bill has referred, we ought to come to a conclusion distinctly in favour of these clauses. At the same time I desire to say that in a matter like this the Provincial Government ought to come to the assistance of local bodies. I hope and trust when the Bill is passed, the Local Government will see its way to give wherever possible contributions to help local bodies in regard to an object in which the Local Government is interested, in which the people at large are interested, and in which, I am perfectly certain, are involved the best interests of an agricultural country like ours."

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR said:—"I happen to be the Chairman of a neighbouring Municipality, and I think I ought to say something. Before making any remarks upon the subject of the amendment now before the Council, I may inform Hon'ble Members that some two or three years ago the Commissioners of the Hooghly and Chinsura Municipality purchased a very fine bull at a cost of Rs. 200 and has been maintaining it at an expenditure

of Rs. 15 or Rs. 16 a month, but it unfortunately so happened that the animal got sick and there was no body in the district who was able to discover the disease from which the animal suffered and to treat it, and the animal is still suffering. I may also inform the Council that the District Board of Hooghly, of which I am a member, passed a resolution recommending a scholarship to be given to any one who would study in the Veterinary College at Belgatchia, and then practise as a Veterinary Surgeon in the Hooghly district. That resolution was passed by the representatives of the people not under pressure from any quarter, but in due discharge of their duties. They have under the present law committed an illegality, but I may say in their defence that they have done a little legal wrong to do a great right. I am in a position to say that there is a growing want for improvement in the breed of cattle, and I therefore submit that it is not quite the proper thing to object to the clauses under discussion. To the Indian peasant cattle is of more concern than roads and bridges, and looking to the constitution of the municipal fund, and the class of people who pay the rates, I submit that a portion of those funds should be devoted to the relief of diseased cattle. Something has been said in the reports that have been read by the Hon'ble Mover of the amendment about the novelty of the scheme operating as an inducement to Municipal Commissioners to spend money upon it. I must say I do not relish that remark. Municipalities in Bengal are now represented mostly by elected Commissioners, and the men so elected are not likely to fritter away the municipal fund through official pressure; they have their independent judgments, and I do not appreciate the remark that the Commissioners will be attracted by the novelty of the scheme, and be thus led away unless restrained by the provisions of the Bill. Lastly, I would observe that Hindus have a very sacred veneration for the bovine class, and a measure like this, which tends to the improvement of that class of animals, will be welcome to the Hindus. It will be equally welcome to the Muhammadan and the Christian communities. It is said that municipal funds ought not to be spent for this purpose, but in fact bulls and other animals are kept by Municipalities for conservancy purposes, and they require some such person as a Veterinary Surgeon to look after them. Therefore I submit there can be no possible objection to these clauses of the Bill, and I support the provisions of the Bill and oppose the amendment."

[*Maulvi Muhammad Yusuf Khan Bahadur.*]

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR said:—"This day's debate in Council has served to bring to a focus the real question and the real point in connection with the clauses under consideration. The question is whether the clauses relating to the training and employment of veterinary practitioners should be allowed to find a place in the Bill, and the existence of the proviso to the section must not be forgotten in connection with that question. The effect of the proviso is to render the Bill only an enabling measure. The Bill simply seeks to confer on the Municipal Commissioners a power which they do not possess under the Act: it only legalises the expenditure of municipal funds on such objects, when the Commissioners should think it desirable to incur such expenses, and when their funds permit them to do so. It could not be denied that the measure is one of great importance and utility: the obvious tendency of it will be to improve the condition of the agricultural classes, whose sole wealth not unoften is their cattle; and the treatment of cattle-disease and the improvement of the breed of cattle is calculated to improve the general prospects of agriculture.

"The objections against the measure are two: first, it is the duty of Government to provide funds for the object, and, secondly, that the permissive character of the measure might not be sufficient in some cases, and that, in spite of the permissive character of the Bill, 'a few fussy amateurs might get up an agitation on the subject,' and thus induce the general body of Commissioners to devote funds on this subject to the detriment and prejudice of more important objects.

"As regards the latter objection, what I have to say is that legislation must be undertaken on the assumption that people concerned in and entrusted with the carrying out of the law will do their duty. If we are to go into such side issues as have been raised to-day, and if we are to be deterred from legislating by reason of want of confidence even in such a body of intelligent and reliable persons as the Municipal Commissioners generally are, it will be impossible to pass a single measure in connection with Municipalities. We are bound to proceed on the assumption that the Municipal Commissioners as a body of men having a deep sense of their high responsibilities will do their duty unflinchingly, and will not attempt to abuse the power by diverting the resources of the Municipalities to this purpose to the neglect of other proper and more needful purposes.

[*Maulvi Muhammad Yusuf Khan Bahadur.*]

"As regards the first objection, it is urged that the subject is one of Imperial interest or at least of Provincial concern, and the Imperial exchequer alone ought to supply funds, and that at least Provincial funds must be applied to this purpose, for which local funds should not be employed. As regards this objection, what I have to say is that I am not here to advocate that the Government is not bound to contribute towards the purposes of these clauses. On the other hand, I say it is the paramount duty of a good Government to promote by all possible means the welfare of the subject, and more particularly of the agricultural classes, and I say that the Government is bound to contribute from Provincial or Imperial funds for all measures having a tendency towards the improvement of the condition of these classes. But this duty of the Government has not much to do with the question. Alongside with the duty of the Government it is the duty of the Municipalities, *when they have surplus funds and superfluous money*, to apply that surplus and superfluity to such a desirable object. At least they should have the power to do so, and be in a position to exercise that power whenever they are inclined and willing to spend money in this direction after other necessary purposes have been satisfied.

"It must be remembered that these clauses comprehend the treatment of cattle both within municipal limits and outside such limits; but the fact that cattle coming from outside the municipal limits are to be benefited by the operation of these clauses affords no ground for the rejection of these clauses. Hospitals and schools situated within a Municipality are institutions by which the population generally is benefited: their usefulness is not confined to those only who reside within municipal limits: it has never been made an objection that because persons residing outside municipal limits are benefited by schools and hospitals, therefore municipal funds should not be expended for the maintenance and support of schools and hospitals. In the same way cattle within municipal limits will be benefited by the operation of these clauses, and there should be no objection based on the benefit being extended to areas outside the municipal limits or shared in by persons living outside such areas.

"The Muhammadan bodies who were invited to give their opinion on this Bill have expressed themselves in favour of the inclusion of these clauses in the Bill. In East Bengal the bulk of the *chasa* population consists of Muhammadans; in Bihar the cultivating class consists both of Hindus

and Muhammadans. But whether Hindus or Muhammadans, the ignorance which prevails in the country in regard to the treatment of cattle is simply appalling. Even *salutrees*, ignorant and useless as they are, are difficult to get at. These *salutrees*, it is said, work very much by the rule of the thumb, and they kill more cattle than they cure by their treatment. Nobody is more fully acquainted with the condition of Bihar than the Hon'ble Mover of the amendment. I appeal to him to say whether the Bihar raiyats have any knowledge how to treat cattle, and whether it is not a fact that cattle there are dying by hundreds and thousands every day, the people being powerless in the matter and wholly apathetic, attributing the result to divine visitation. I have taken care to ascertain the state of feeling of the people on this question, and I find that these clauses are generally accepted as a boon to the country, and that the Muhammadan feeling is very keen in favour of the Bill: in fact I have been told that the Bill falls short of what it ought to be, that this measure should have been made one of the chief objects of municipal administration, and not be allowed to have a place given to it where it might remain a dead-letter. As, however, there is no motion before the Council in the direction of making the provision more stringent, I must be content with what we have in the Bill. But I certainly say that to deprive the population of the benefit to be derived from the training and employment of veterinary practitioners, because it is the duty of the Government to provide for it, is not a just appreciation of the duties of the municipal bodies: also that to refuse to accept power, because the power might be abused, is not showing that confidence in the Municipalities generally which they, in my opinion, fully deserve. I would vote against the amendment."

The Hon'ble MR. M. S. DAS said:—"There cannot be any general objection to the introduction, into the Municipal Act, of a proviso relating to veterinary matters. Much has been already said on the subject, but it strikes me that now that certain agricultural areas are included within municipal limits, it becomes the legitimate duty of the Municipality, when funds can be spared for the purpose, to do something towards improving the breed of cattle in the country, and we cannot do a greater service to the agricultural population than to improve the breed of cattle. I am glad to hear that the Hooghly Municipality have been maintaining a bull for this purpose. I always thought the disappearance of the old *Brahmini* bull, which was a fine specimen of a bull, was due to the avarice

of Municipalities. The *Brahmini* bull, which is dedicated to an idol, is often found in Municipalities in the scavenging cart, and I am glad to see that one Municipality at least has exhibited its zeal for the atonement of the sacrilegious misappropriations by purchasing and maintaining a bull specially for the purpose of improving the breed of cattle. As regards the remark that the attempt to establish veterinary dispensaries in certain places has proved a failure, I think that in a country like India any new institution must be launched under the most favourable circumstances, and efforts should be made to see that the people take to it. Conservative people like those in India will not easily take to new institutions. When the Cattle Commission sat, I believe that two or three years before that there was a good deal of cattle-disease in Bengal, and steps were taken by the Government to check it. It was then in the contemplation of the Government to meet the expense of preventive measures from the revenues derived from pounds. Now that revenue goes to Municipalities, and I think therefore that they may be well called upon to devote a portion of this fund for veterinary purposes. I do not think we shall get a favourable answer from the Hon'ble Member in charge of the Bill as to the probability of a grant from the Provincial Revenues. The Hon'ble Member is never liberal in making grants, but where a measure is practicable and feasible, and it is put on the ground that it should be undertaken only when funds are available for the purpose, I do not see that there can be any objection to such a measure being included in the Bill."

The Hon'ble MR. FINUCANE said:—"If I interpose in the debate on the particular questions now under consideration, it is because my official duty has necessitated my giving some attention to them for the past 10 or 12 years. So far back as 1885, I proposed the establishment of a Veterinary as well as an Agricultural School or College in Bengal.

"At that time it was held by many competent authorities that there was no demand in these provinces for the kind of instruction that would be given in these Schools or Colleges, and it was urged that the licentiates of them would obtain no employment, and would only add to that numerous class of persons who have already received instruction, at the expense of the State, in various branches of literary and scientific learning, which they are unable to utilise for their advancement in life, to the extent that they had expected, and therefore are disappointed and discontented.

[*Mr. Finucane.*]

"The Veterinary School has, however, already been established in Bengal, largely owing to the munificence of two native gentlemen—Sir Dinshaw Manockjee Petet, a Parsee of Bombay, and Rai Shewbux Bogla Bahadur, a Marwari of this city. Its classes have been attended by Hindu students of different castes from the highest downwards, by Muhammadans and others, who have shown much interest in the subjects taught and been very successful at the annual examinations hitherto held.

"In view of the assertions to which I have referred that there was no demand for veterinary instruction in Bengal, I had at first some misgivings regarding the immediate practical results of the establishment of the school, though none as to its ultimate utility. I listened therefore with great pleasure at one of the first meetings of this Council, at which I had the privilege to attend, to one after another of the hon'ble elected members expressing his cordial assent to the desirability and necessity of providing the means for giving instruction in agricultural science generally to such natives of Bengal as may desire to avail themselves of it. This approval was carried so far that Hon'ble Members vied with one another in their enthusiastic expressions of it, and each of them wished to have an Agricultural College in his own particular part of the country. Approval of the introduction of a system of agricultural instruction I thought implied approval also of providing instruction as to the means of improving the breed of cattle and of preventing and combating cattle-disease—subjects than which none can be more important to agriculturists.

"But, Sir, if the desirability of giving instruction in veterinary science is admitted, on what ground, it may be asked, is it now asserted that we are not to utilise the services of the veterinarians when we have got them? Or that we are to be prohibited from utilising them in the manner provided in this Bill?

"The Hon'ble Member who has proposed the present amendment says the Government of India or the Local Government ought to provide employment for them, while another Hon'ble Member appears to think that veterinary services should be paid for exclusively by such private individuals as may require them.

"Now I submit that it is absolutely out of the question that Veterinary Assistants should be appointed or veterinary dispensaries established in each and every local area throughout India or Bengal. Veterinary Assistants can at

present, and for many years to come, only be appointed in a few selected places where local opinion is sufficiently enlightened to require them. If this be so, why should the general tax-payer throughout India or Bengal be called upon to pay the entire cost of services rendered or advantages obtained in particular localities only? The Government of Bengal pays the whole expenditure on the establishment of the Veterinary School. It will also pay the cost of such an inspecting staff as may be required. I am not in a position to make any definite promise on the point, but I think it will probably be willing to give grant-in-aid to such local bodies as may be willing to employ veterinary Assistants and establish veterinary dispensaries. More it cannot be expected to do. As to the other view that private individuals should pay for veterinary aid if they require it, I admit there is more to be said for it. It is, I think, quite true that what we ought to aim at, and what we in fact are aiming at, is the attainment of a stage when each individual proprietor or each individual raiyat or other owner of cattle will pay for the services rendered by veterinary licentiates to him personally. This, as every one acquainted with the *mufassal* knows, at present is impracticable of attainment, and therefore we look to the smallest aggregate of individuals, or, in other words, to the smallest local body that we can reasonably look to, as the unit for employment and payment, for the present, of Veterinary Assistants for services locally rendered. It is hoped and believed that large proprietors will employ some of the Veterinary Assistants on their own estates, and the Government and Court of Wards will, as a matter of course, pay for such Veterinary Assistants as may be required on estates managed by them respectively. But this is not enough. We desire to enlist the co-operation of local bodies, knowing that even if Government were to send Veterinary Assistants to the mufassal as Government Agents, they would be at first regarded with suspicion, and would not be given a fair opportunity to show what they can accomplish. For this among other reasons we have asked local bodies whether they are willing to help in the matter, but we do not desire to force them to do so. What is their answer?

"I have looked through most of the reports which we have received on this Bill, and find, as we have been already told by the Hon'ble Mr. Risley, that of 109 Municipalities no less than 102 are in favour of the provisions which the Hon'ble Member would eliminate, and only 7 against them. But the Hon'ble

[*Mr. Finucane.*]

Member says two or three Commissioners and an important body like the Bihar Indigo Planters' Association are against the allocation of any part of municipal or District Board Funds to purposes of the kind. He does not, however, refer to the opinions of the six other Commissioners or of the 102 Municipalities or of many Public Associations who hold that it is right to give Municipalities the powers proposed to be given under this Bill, and he does not examine the arguments of the few Commissioners and Associations who hold the same views as himself. The reasons given by the Commissioners to whose reports he has referred are, that there is no demand for veterinary assistance among natives of this country, that the people are too ignorant to appreciate its advantages, and therefore that the provisions of the Bill now under consideration, however laudable their object may be, will remain a dead-letter. In answer to such arguments I would submit that some of the more enlightened Municipalities have already applied for Veterinary Assistants, and others have expressed their intention to do so if the law permits them, and so far is it from being a fact that Veterinary Assistants have failed wherever they have been tried, the exact reverse is the case.

"The Hon'ble Member has referred to the Bihar Indigo Planters' Association in support of his amendment. What does that Association say? Their Secretary writes:—

'The native public generally will not make use of veterinary establishments, which would therefore be conducted at a dead loss. Private enterprise has already started such establishments in Muzaffarpur and Darbhanga, which are freely used by European gentlemen, and I have heard that it is likely that similar establishments will be opened at other centres, but in every case they will be dependent on European support.'

"The Veterinary establishments referred to by the Secretary to the Planter's Association are mainly intended for the treatment of horses, and prohibitive fees are charged at them, but the Veterinary dispensaries that we propose to establish with the aid of Municipalities and Local Boards are entirely or mainly intended for treatment of cattle disease in which little, if any, fees will be charged for treatment. Does the Hon'ble Member or does this Council think that it is only Europeans who are interested in, or will contribute anything towards, the treatment of cattle disease in this country? The Hon'ble Member refers to the opinion of the Bihar Planters' Association, but he does not refer to the

opinion of the most powerful and, from the landholders' point of view, the most representative of all such associations, namely, the British Indian Association.

"That body, as we have heard to-day from the Hon'ble Babu Surendranath Banerjee, say :—

'The training and employment of medical and veterinary practitioners and establishment of dispensaries for the treatment of animals—in short all the new clauses to section 69—should be left entirely to their discretion (*i.e.*, of Municipalities and other local bodies).'

"This is precisely what the Bill proposes to do—to leave it entirely to their discretion. But the Hon'ble Member would refuse to give them that discretion.

"What, then, is the position? These 102 Municipalities say they desire to be allowed to spend part of their funds in employing Veterinary Assistants when they think fit. The Governments of India and of Bengal say they think it is right that Municipalities should be given power to spend their money in this way if they wish to do so after they have provided for more urgent needs; but the Hon'ble Gentleman says power should not be given to them to do anything of the kind, and he asks this Council to support him in taking up that position. There is no subject on which the overwhelming preponderance of opinion could be more on one side, that is to say, in favour of the provisions of the Bill, yet the Hon'ble Member would have us disregard this mass of opinion. I submit that it would not be consistent with the interests of the people of the country or with the principle of Local Self-Government for us to do so.

"The loss to agriculturists in India by preventible mortality among cattle is, according to the best estimates available, no less than six million pounds sterling, or say ten crores of rupees per annum. There can be no more humane or beneficent aim than that of reducing that loss, and no greater injury can, in my opinion, be done to the agricultural classes than would be done by successfully placing difficulties in the way of effecting that object.

"In other provinces District Boards and Municipalities have not felt that it was an improper allocation of their funds to entertain and to pay veterinary establishments. I am informed that Veterinary Assistants are employed by Municipalities and local boards in the Punjab and in Bombay, with excellent results.

[*Mr. Finucane.*]

"It has been made a subject of reproach to this Province elsewhere that we are so much behind other provinces in this respect; and I hope, as a first step towards wiping out that reproach, that the Hon'ble Gentleman's amendment will be rejected by the Council.

"Whether Veterinary Assistants should be employed or veterinary dispensaries opened, or either or both, is a question for each particular Municipality to decide, having regard to its own special wants and resources, but surely it is not too much to ask that Municipalities be given the option of coming to a decision on that point.

"On the subject of the establishment of dispensaries, I would explain that it is next to useless to employ a Veterinary Assistant, unless we give him a dispensary where he can treat diseased cattle and win the confidence of the people by showing what cures he can effect, and by dispensing the necessary medicines which are not to be otherwise procured in the mufassal. Further, the cost of such dispensaries will be trifling. A Veterinary Assistant and his establishment will cost about Rs. 570 per annum. The expense of instruments will be only Rs. 200 once for all, and that of drugs about Rs. 200 per annum. Is it worth while for any Municipality to spend Rs. 570 on a Veteriniary Assistant, and then refuse to give him the trifling sum of Rs. 200 per annum to enable him to carry on his work satisfactorily?

"Sir, I attach little or no importance to the provisions of the Bill which enable Municipalities to spend money on improvement of the breed of horses, mules, and asses, and would not myself object to their omission, though their retention is, I think, harmless. But I attach great importance to the provisions enabling these bodies to spend moderate sums on improvement of the breed of cattle, and more especially on the prevention and curing of cattle disease.

"Bengal has produced the best native medical practitioners in India, as well as the best native lawyers and engineers. It will, I believe, produce the best veterinary practitioners also if they are given a fair start. I would ask Hon'ble elected Members to consider whether, by opposing the provisions of this Bill, they are not placing obstacles in the way of opening up a new profession, and a new outlet for employment to their fellow-countrymen, and, what is a far more serious matter, whether they are not placing unnecessary and merely technical difficulties in the way of reducing that enormous loss, to which I have already referred, that is now sustained by the agricultural community.

"We have been told, and told truly, that my hon'ble friend in charge of this Bill has met all reasonable objections to it made by Hon'ble Members, in the most conciliatory spirit.

"Is it too much to ask Hon'ble Members to look at this matter in the same spirit, and in voting on the provisions of the Bill now under consideration, the objects of which are admitted to be most laudable, not to be influenced by technical and narrow considerations as to whether one particular body shall do more and another less towards mitigating the ravages of cattle disease. The right principle I submit is that all should, so far as their resources permit, do what they can towards attaining this most humane object."

The Hon'ble MR. A. M. BOSE said:—"I do not rise to support the provision in the Bill in regard to the training and employment of veterinary practitioners which is the subject-matter of the present discussion, because, after all that has been said, it stands in no need of any further support. I rise to thank the Government for the spirit in which it has met the difficulties which have been raised in connection with this clause, and for the promise made by the Hon'ble Member in charge of the Bill that the Government would meet with perfect fairness any proposals for carrying out these clauses which might be brought forward by any Municipality; and I rise also to thank the Government for the statement made by the Hon'ble Mr. Finucane, who, without making any absolute promise, said it was very likely the Government would make a grant, in order that these clauses might easily be brought into operation; for I believe it is only by cordial co-operation between the Government and the local bodies that the success of the measure can be ensured, and its provisions duly carried out."

The Hon'ble MR. GRIMLEY said:—"The Hon'ble Member in charge of the Bill has fully explained in his exhaustive speech the scope and object of the provisions relating to the training and employment of veterinary practitioners and the principles on which they rest. The Hon'ble Babu Surendanath Banerjee has described their permissive character and the safeguards which have been introduced in order to ensure that municipal funds shall not be expended in the treatment of cattle until all necessary objects have been sufficiently provided for. The Hon'ble Rai Eshan Chundra Mittra Bahadur, has given a concrete example in the case of the bull of Hooghly, on which money was or

might have been usefully spent. An ounce of fact is worth a pound of theory. I will give another instance embracing the treatment not of a single animal, nor indeed of a hundred, but of cattle in vast herds. Formerly, there were large grazing grounds for the pasturing of cattle in most districts of Bengal, but these have gradually disappeared, and very few now remain. But there are still to be found extensive wastes on the high table lands in the Native States to the north and west of Chota Nagpur, particularly in the State of Sirguja. Hither large herds of cattle are yearly brought to graze from the neighbouring districts in the North-West Provinces of Mirzapur, Allahabad and more distant places. They come in thousands and remain for months in charge of *Ahirs*, who stock the ghi marts of the North-West and Lower Bengal. But though they come in thousands, they only return in hundreds when the grazing season is over, for they are carried off in thousands and tens of thousands by a frightful epidemic which the simple graziers are powerless to check. All that I could do from the distant station of Ranchi was to preach through the Chief of the State segregation of cattle and the burying of carcasses, and to disseminate leaflets of instructions. But the assistance might have taken a more practical form had only a few veterinary practitioners been available in the adjoining districts. This is a consummation to be wished for, and I shall therefore vote against the amendment."

The Hon'ble BABU GURU PROSHAD SEN in reply said:—"As to the desirability of the objects for which these clauses of the Bill are intended to provide, I do not like to differ in the least from my hon'ble colleagues who have addressed the Council. They are; indeed, very desirable objects, and I do not see why in a country like this there should not be colleges and dispensaries for the treatment of cattle and proper arrangements also for the improvement of the breed. The only question and I submit the important question—with which we are concerned is whether or not municipal funds should be applied for providing for such things. As, however, the Hon'ble Members who have spoken are in favour of the retention of these clauses in the Bill, I can only say that, with the assurance which has been given by the Hon'ble Member in charge of this Bill and by the Hon'ble Mr. Finucane, I beg leave to withdraw this amendment."

The Motion was, by leave of the Council, withdrawn.

[*Mr. Wallis.*]

The Hon'ble Mr. WALLIS moved that in section 6, clause (viii), the words "training and" be omitted.

He said:—"I am in perfect sympathy with the objects desired to be attained by the employment of female medical practitioners and of veterinary practitioners, the establishment of veterinary and medical dispensaries, and the appointment and payment of qualified persons to prevent and treat diseases of horses and cattle and other animals, but I oppose the use, even of surplus municipal funds, for the training of students. I should like to draw the attention of Hon'ble Members to the fact that on several occasions it has been proposed to introduce into the Bengal Municipal Act a clause providing for the training (at the expense of municipal funds) of medical practitioners. When the Act was being amended in 1883-84, a clause was inserted in the Bill providing for the training of medical practitioners, but this was omitted by the Select Committee, who considered that municipal funds could not properly be applied to such purposes. It was next suggested that the training should be confined to the training of female medical students, but this was also abandoned, and now again we find the proposal is brought forward. I agree with the employment of female medical practitioners and of veterinary practitioners, but I object to their being trained at the cost of Municipalities. If it is thought desirable that Municipalities should encourage the training of these students, they might go so far as to offer scholarships for this purpose. It is true that no part of the municipal funds can be utilised for this purpose without the sanction of the Commissioners in meeting, and it is equally true that the funds can only be so used after all the other purposes for which rates and taxes are levied have been fulfilled. But I submit that it is not a right use of the municipal funds to train men and women to earn their own living, and after they have been trained they may leave the Municipal Institutions if inducement should offer. It may be said that they can be legally bound to serve the Municipality after such training, but we know what the result of such contracts are. If a man is bound to serve against his own will, the chances are that he would be useless. I therefore say that even the surplus funds of a Municipality should not be spent in the *training* of female medical practitioners and of veterinary practitioners. It has also been urged by Hon'ble Members that the operation of this clause would be wholly permissive, and that of course is the only redeeming feature. I cannot agree with

the Hon'ble Member in charge of the Bill that the principle is a small one; I submit that the principle is a very large one. The principle is that municipal funds are to be utilised for purposes for which they have not been utilised in the past, and that is the principle I stand against.

"There is another aspect of the case, and that is in some year of unusual prosperity a Municipality may be induced to sanction funds for the training of such students, and having once done so they could not at short notice inform students that surplus funds being no longer available, their training must be discontinued. On the contrary the Municipality will be obliged to find funds to continue the studies of these students, and in consequence the needs of sanitation and other important duties will have to be put on one side. I hope I have been able to show that it is undesirable to utilise even the surplus funds of Municipalities for the purposes I have mentioned, namely, the *training* of female medical practitioners and of veterinary practitioners."

The Hon'ble Mr. Risley said:—"It seems to me that my hon'ble friend, the Member for the Calcutta Trades' Association, has followed the somewhat unusual course of answering by letter, beforehand, the amendment he now moves in the Council. I shall read an extract from the letter of the Trades' Association on the subject. They say:—

'The Committee would venture to suggest that if Municipalities are desirous of obtaining the services of students of medicine, when qualified for their own dispensaries, their assistance should be limited to the grant of scholarships. This is the practice which is now followed in the case of female students studying at the vernacular medical schools, and the Committee see no reason why muncipalities should extend any assistance beyond this point.'

"I understand that to the grant of scholarships there is no objection, but that is precisely the meaning of the words 'training and' to which the Hon'ble Mover of the amendment objects. If it is proposed to allow the grant of scholarships for the purpose of receiving the necessary training, I think that is all it is desirable to have; namely, that grants may be made of whatever sum may be necessary to send a girl from any Municipality to the Calcutta, Dacca, or Cuttack Medical School to get a training there in order that she may go back and practise among the poor of the Municipality from which she was sent. That is what is now done, and that is what we want to legalise. It may, however, be necessary to pay for books and for expenses of travelling and the

like, which would not come under the head of scholarships, but there is no probability of a provision of that kind being unduly large. As to the history of the proposal, there is no doubt that it was brought forward in 1892. It was strongly urged upon this Government by the Government of India in 1887-88. They said there was a provision in the Madras Municipal Act which met a want which had been felt, and they asked that when the Bengal Municipal Act next came under amendment, the opportunity might be taken to introduce an amendment similar to that contained in the Madras Act. The question was brought up in the Select Committee first of all in the general form of training medical practitioners, and then again in the form of training female medical practitioners. The Select Committee then rejected the proposals on what I think were *à priori* grounds, but the real reply is that the proof of the pudding is in the eating; for while the Select Committee were discussing all the principal arguments on the subject, a great number of Municipalities had incurred very expenditure for this purpose. In 1894-95, the Serampore Municipality made a grant of Rs. 24 towards the training of a female medical student in the Campbell Medical School, the Darjeeling Municipality made a grant of Rs. 235; the Rampur-Boalia Municipality sanctioned Rs. 25 a month; the Hooghly Municipality paid the travelling expenses of a female student; the Backergunge Municipality provided a stipend of Rs. 5 a month, the Patna and Darbhanga Municipalities also made contributions; the Burdwan Municipality paid Rs. 40 in four months; the Khulna and Kutwa Municipalities failed to find any suitable girl. And as for the suggestion that these girls, when they were trained, did not work in the Municipality by which grants were made in their behalf, it appears to me that Municipal Commissioners are not so stupid as all that. When they paid a female student Rs. 4 or Rs. 5 a month for three years to be trained, they take good care to see that she does not go elsewhere to practise, and, moreover, she being a native of the place, has no inducement to go away. In Rampur-Boalia for example I found last year that the arrangement had been most successful, and now they are giving the girl a nominal retaining fee, and she is practising among the people there. So that really what is proposed to be done under this clause is precisely that which I understand is now actually done."

The Hon'ble MR. A. M. BOSE said:—"Having the honour of being connected with the Bengal Branch of the Countess of Dufferin Fund, I beg leave

to say a few words in support of the proposal of the Select Committee. The training which is intended to be given to female medical students is not to enable them to find employment wherever they choose, or to open out a new career for a class of Her Majesty's subjects at the cost of Municipalities. If that had been the object, I should entirely sympathise with the Hon'ble Mover of the amendment; but the object is to remove a grave and a felt want within the Municipality, which unfortunately is not met by the law of supply and demand, by the law of competition. There is not the slightest apprehension, as has been pointed out by the Hon'ble Member in charge of the Bill, of anything else being done, but to provide a little scholarship for some suitable female candidate to receive a training at the Campbell Medical School, or at some similar institution. A little money grant makes a deal of difference as to whether a candidate is available to receive that training, not for her own sake, but for the good of the people in the Municipality which provides the scholarship. It is not contemplated, as in the case of veterinary practitioners, that there should be a hospital or an educational institution suitable for the purpose of this training. I hope there will be no opposition to this proposal. The Government has for its own part most generously endowed suitable institutions where female medical practitioners may be trained. All that is wanted is that the Municipalities should, where necessary, supplement this by a special grant. It will be for the relief of suffering humanity in the case of those who specially need it, and I am sure the object will command the sympathy of the Council."

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR said:—"The words proposed to be omitted from clause (viii) govern both parts of that clause, and the effect of the omission on the veterinary aspect of the clause will be something the mischief of which it is impossible to overrate. The result will be the retention and employment of the class of veterinary practitioners called *salutrees*, the extent of whose knowledge, or rather I should say ignorance, is well known to those who have come across them: it is highly undesirable that such a class of persons should have the authority of the Municipality to go about spreading destruction among cattle and rendering their disease worse by their unskilful and quackish treatment: the great object is that the Municipality should be able to train veterinary practitioners so that they might be useful to the country. The effect of the omission as regards female medical practitioners has already been pointed out by the Hon'ble Members who have

[*Maulvi Muhammad Yusuf Khan Bahadur; Mr. Finucane; Mr. Wallis; Babu Guru Proshad Sen; Babu Surendranath Banerjee.*]

preceded me. I therefore think it absolutely necessary that this clause should remain as it stands, and that the law should contain a provision for the training and employment both of female practitioners and of veterinary practitioners."

The Hon'ble MR. FINUCANE said:—"I wish to explain in a few words the effect of the omission of the words 'and training' in this clause as regards veterinary practitioners. It will be impossible if these words are omitted for Municipalities to send any persons to a veterinary school at their own expense or to give scholarships to students who go there of their own accord. In point of fact Municipalities have in several cases already established scholarships, and paid for them ever since the institution of the Bengal veterinary school, though without legal authority to do so. The effect of the omission of the words 'and training' will perpetuate the illegality which now exists. I do not think the Hon'ble Mover of the amendment really thinks there is any harm in Municipalities establishing scholarships at the school at Belgachia, and that is all that is meant by training. It is not meant that the expense of providing a veterinary school is to be borne by any Municipality. The only effect of the words is to enable Municipalities to provide for scholarships at established schools."

The Hon'ble MR. WALLIS in reply said:—"Taking into consideration the remarks which have fallen from the Hon'ble Member in charge of the Bill, and the Hon'ble Member who has just spoken, it seems to me that the Council is not disposed to vote for my amendment. I should not like specifically to narrow down the proposal to training by means of scholarships, but as I understand that to be the intention of the clause, I beg leave to withdraw my amendment."

The Motion was, by leave of the Council, withdrawn.

The Hon'ble BABU GURU PROSHAD SEN moved that clauses (ix), (x) and (xi) in section 6 be omitted.

The Hon'ble BABU SURENDRANATH BANERJEE said:—"We have already received an explanation from the Hon'ble Mr. Finucane with regard to these clauses. I have given notice of a motion to omit clause (ix). My objection to

clause (ix) is based on financial considerations. I believe that Municipalities will not be in a position, having regard to their financial resources, to establish dispensaries for the reception and treatement of horses, cattle and other animals, and it is on that ground I gave notice of this motion. The Hon'ble Mr. Finucane has explained that the establishment of veterinary dispensaries will not be an expensive matter, and I think he has stated that Rs. 200 a year is the normal expenditure on account of a dispensary of this kind. I have another question to ask, and if the explanation is satisfactory, I am prepared to withdraw my motion. I wish to know what the expense would be for the treatment of animals in these dispensaries. Whether I will press my motion or not will depend very much upon the answer I receive."

The Hon'ble MR. FINUCANE said:—"I have been informed by Veterinary Captain Gunn, who is an authority on the point, that persons who send their animals to these dispensaries will have to pay for their keep, and that no expense whatever will be incurred by Municipalities on that account."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"Then we may restrict the terms of the clause in that sense. The establishment and maintenance of veterinary dispensaries, and the reception and treatment of animals therein are two different things altogether. Municipalities in general are so poor that they would not have funds to do more than provide the cost of medicines, which, it has been stated, will come up to about Rs. 200 a year. It is distinctly unwise to clog a novel provision like this with a greater liability to expenditure than is absolutely necessary and which will render the clause partially inoperative. I would suggest the clause being restricted to the 'establishment and maintenance of veterinary dispensaries,' and I would omit the subsequent words 'for the reception and treatment of horses, cattle and other animals.'"

The Hon'ble MR. RISLEY said:—"The question is whether the expression 'veterinary dispensary' will include the treatment of horses, elephants, &c."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"A dispensary means a place for distributing medicines. That is the sense in which the word is used; but when you speak of reception and treatment, you mean a hospital."

[*Mr. Finucane; Mr. Risley; Babu Surendranath Banerjee; Mr. Wallis; Mr. Bose.*]

The Hon'ble MR. FINUCANE said:—"It is intended that horses and cattle shall be received for treatment. The owners of these animals will have to pay for their keep, but they will be treated in the dispensary. Therefore the expense which will be incurred will be the expense for the medicines."

The Hon'ble MR. RISLEY said:—"Dispensaries in the *mufassal* are usually used as hospitals."

The Motion was, by leave of the Council, withdrawn.

The Hon'ble BABU SURENDRANATH BANERJEE, by leave of the Council, withdrew the motion of which he had given notice that clause (ix) in section 6 be omitted.

The Hon'ble MR. WALLIS said:—"After the explanation which has been given that persons who send their animals for treatment in these veterinary dispensaries will have to pay for their keep while under treatment, I conclude this will be provided for in the rules to be framed by the Local Government."

The Hon'ble MR. WALLIS therefore, by leave of the Council, withdrew the motion of which he had given notice, that at the end of clause (ix) in section 6, the following words be added:—

'on payment by owners of certain prescribed fees.'

The Hon'ble MR. A. M. BOSE moved that in section 6, in the proviso to the new section 69 (1), for the words after "both inclusive" to the end of the proviso, the following be substituted:—

'unless such application be sanctioned by the consent of two-thirds of the Commissioners present at a meeting specially convened for considering such application, or held after special notice has been given that such application will be considered at such meeting.'

He said:—"The words of this amendment are copied from the wording of the present section merely substituting 'two-thirds' for 'one-half,' and I hope, having regard to the conciliatory way in which the several amendments to this section have been dealt with, the Government will be willing to allow a two-thirds majority to sanction the establishment of these veterinary dispensaries. I venture to suggest that in introducing a novel provision, in making an altogether new departure in municipal administration like that involved in the opening of such dispensaries and the like, a substantial majority of the Municipal

[*Mr. Bose.*]

Commissioners should be obtained. This would disarm local opposition, and secure that support and co-operation which are necessary for the success of the undertaking. Under the Bill the procedure to be adopted seems somewhat complicated. There are to be two divisions or votings of the Commissioners in meeting. First, a division on the question whether funds are available for these new undertakings, and then there is to be a second motion and a second division on the point whether these available funds should be devoted for veterinary purposes. I submit that this is a complicated and a novel procedure. It is absolutely unknown to the Municipal law as it stands; and it is complicated because it requires two divisions where one would be sufficient, that one division being on the question whether on a consideration of all the issues relating to the matter, these measures should or should not be adopted. That question would be discussed in all its bearings and issues—the issue of available funds, the requirements of the Municipality, and the desirability of the undertaking. All these questions would be considered, and then a clear expression of opinion taken in one division. There is another matter regarding which I beg to ask a question of the Hon'ble Member in charge of the Bill. One of the purposes mentioned in section 69 is the training and employment of female medical practitioners and of veterinary practitioners. Expenditure for these purposes would ordinarily be incurred outside municipal limits—at the Campbell or other medical school, and at the Belgatchia Veterinary College; money would therefore have to be spent beyond municipal limits. But there is a special provision of the municipal law relating to this matter. Section 70 of the Bengal Municipal Act provides a special procedure when any expense out of the Municipal Fund has to be incurred in any other Municipality, or elsewhere, for any of the purposes mentioned in the Act, and the procedure is that the consent of two-thirds of the Commissioners has to be obtained in a certain manner. I wish to ask whether the Hon'ble Member in charge of the Bill has considered that for the purpose of spending money on the training of female medical practitioners or of veterinary practitioners outside the municipal limits, the vote of the Municipal Commissioners will have to be taken in a particular way, whereas under the proviso to section 69 now under consideration, for all these purposes a bare majority is supposed to be sufficient. This is a matter which requires solution at the hands of the Council in order to avoid uncertainty and trouble in the future. Passing on I would appeal to the Government

whether instead of, I will not say driving Municipalities by a bare majority—for a majority is a majority—it is not desirable that a very clear and decided expression of opinion should be a condition precedent to the carrying out of these measures. The Hon'ble Member in charge of the Bill made one observation on the question of pressure or influence being brought to bear on Municipalities. He said that the Sanitary Commissioner would always see that the sanitary needs of the Municipality were first attended to. Suppose a Magistrate wants these objects to be carried out in any particular Municipality, how would the Sanitary Commissioner see that no pressure is brought to bear upon the Commissioners. The District Magistrate and the Divisional Commissioner are near; the Sanitary Commissioner is far; he has no opportunity of knowing what is proposed to be done until long after the budget has been passed and sanctioned The large powers left in the hands of the Divisional Commissioner in passing the annual Municipal Budget give him a controlling influence which every Municipal Commissioner know and has felt only too well. It will only be in exceptional cases that the Sanitary Commissioner will have the opportunity of closely supervising the expenditure of the Municipality, that is to say, when a complaint is made to him, or when, in the course of many years, he pays a visit to the Municipality. There are two opinions bearing on this question among many in the mass of papers which have been circulated to which I may be permitted to refer. One of these is from the District Magistrate, or rather the Deputy Commissioner of Lohardaga, who says:—'If there is any fear (and it is difficult to say that there is no fear) of expenditure under these heads being forced on unwilling municipalities, I would much prefer to see them omitted from the Act altogether.' Therefore there is the fear entertained of some sort of pressure. The only other opinion to which I shall refer is from one who represents not a backward but an advanced district like the 24-Parganas, the Magistrate of which says:—'The Bill is, I am of opinion, premature, but as it is permissive in character, there is no special objection to it, except that Municipalities are prone to expend money on new and attractive objects, and *there is some reason to apprehend that pressure may be brought to bear on them in this direction.* I speak, however, only for the Municipalities of this district.' I may add that if this should be true for a Metropolitan district like the 24-Parganas, it may be held to be not altogether inapplicable to the circumstances of other parts of the Province. The question

of pressure, however, is a very delicate matter, and I will not stop to criticise how far these two officers are altogether correct in what they say; but I beg to point out that these new undertakings will carry with them popular support and cordial appreciation on the part of the public if the Government were to accede to the suggestion that the vote of a majority of two thirds should be taken after considering all the circumstances, instead of following the novel procedure prescribed by the Bill."

The Hon'ble MR. RISLEY said:—"I trust the Council will support the Select Committee in this matter. This particular amendment was very carefully considered indeed. The solution which the Hon'ble Member has just put forward was very fully considered and deliberately rejected, and it appears to me wholly unnecessary. The section provides ample safeguards against any abuse of these provisions. Moreover, so far from this being a novel procedure, it is based on the nearest approach we could provide to the procedure followed in the Calcutta and Bombay Municipal Acts. In both those Acts separate provision is made for what may be called necessary purposes and for optional purposes. The members of the Select Committee will remember that we tried to define and separate by enumeration the two sets of purposes, but we could not do it to our satisfaction, and the procedure prescribed in the Bill was adopted as the nearest approach to it, and I think it goes as far as any reasonable person can expect us to go without unduly interfering with the discretion of the Commissioners. On principle I do not like a hard-and-fast rule of a two-thirds majority, as it lends itself to obstruction and merely retards business. As regards the Sanitary Commissioner, in point of fact he exercises a much closer supervision over the proceedings of Municipalites than the Hon'ble Member supposes, and he particularly watches to see that there is no diminution of expenditure on account of sanitary purposes. I merely mention this to show that there is no force in a two-thirds majority keeping the Commissioners from any possible abuse of their discretion."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"I am sorry to find myself somewhat in disagreement with the Hon'ble Mover of the amendment, with whom I am generally in accord in regard to most matters. My objection to the amendment is that it dispenses with the safeguards which are now embodied in the proviso, namely, that it is only after the sanitary needs of a municipality have been amply provided for can municipal funds be devoted to veterinary purposes. The double division to which my friend refers imposes

[*Babu Surendranath Banerjee; Maulvi Muhammad Yusuf Khan Bahadur.*]

this necessary safeguard. That safeguard is dispensed with in this amendment I think the safeguard which the Select Committe have provided is mor effectual than the safeguard of a two-thirds majority. If pressure is brought t bear on municipalities, it will be brought to bear on the whole body of Commis sioners, and the two-thirds will come under it just as much as a bare majority We ought to provide some safeguard against pressure being brought to bear o Municipal Commissioners by Commissioners of Divisions, who may have thei hobbies to ride. A Commissioner of a Division may think it his duty to pro mote these veterinary objects; therefore we thought it would be better to legis late that it is only after a majority of the Commissioners present at a meetin are satisfied that the other purposes specified in this sub-section, or such o them as the majority consider it necessary to carry out, have been sufficientl provided for, that any portion of the municipal funds can be applied to th purposes referred to in clauses (viii) to (xii). The two divisions required unde this provision constitute an effective safeguard. Instead of one division with majority of two-thirds, we have two divisions each of which requires a majority instead of one division on one occasion, we have two divisions on two occasions and I think this, though a complicated procedure, will provide a better safe guard than that proposed by the Hon'ble Mover of the amendment."

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR said:—"Ther is one aspect of this amendment with which I do not agree. I do no think it is necessary in the true interests of municipalities that the safeguar contained in the proviso should be so severely and strongly worded as to rende the operation of the clauses next to an impossibility. As I have already explaine in connection with a preceding amendment, there must be some hope left tha these new objects, now recognised, will have their turn in the municipal admi nistration. There must be some facility left for these clauses to be brought int play and to be reached and worked out in the event of funds being available and the proviso should not be hemmed and hedged by language containin conditions and limitations so as to place the clauses beyond the bounds o possibility. The Hon'ble Mover of the amendment has referred to sectio 70 of the Bengal Municipal Act on the question of expenditure outsid municipal limits. I do not think the wording of the section in question is sue that one is obliged to say that the only possible construction of that section i as contended for by the Hon'ble Mover of the amendment: that however is matter on which the Hon'ble the President can speak with authority. As a

present advised, it appears to me that you can scarcely say that a scholarship paid to a person who is sent to a college elsewhere to be trained for work to be performed within the Municipality falls within the purview of section 70: if it does, and if the construction contended for by the Hon'ble Mover is fairly correct, or if it is even an open construction, then I admit that a difficulty does arise for which a remedy must be devised: but the remedy must not have a tendency so that the clauses should remain in-operative and be a dead-letter."

The Hon'ble THE PRESIDENT said:—"I think such an expenditure will certainly come within the scope of section 70. You will be spending the money of the Municipality elsewhere than within the Municipality itself."

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR said:—"I think the proviso in the Bill, as it stands, is a more effective safeguard than what the Hon'ble Mover of the amendment has proposed. The provision that expenditure for necessary purposes shall first be secured before any money is spent for the purposes mentioned in clauses (viii) to (xi) should not, I think, be dispensed with."

The Hon'ble MR. A. M. BOSE in reply said:—"I put a question pointedly to the Hon'ble Member in charge of the Bill in connection with the construction of section 70 of the Bengal Municipal Act, to which the Hon'ble Member has given no answer. It is a question of legal difficulty which cannot be shirked in this way. If this point has not been considered, and the Hon'ble Member requires further time to consider it, I would suggest that the decision upon the amendment, now before the Council, may be adjourned. And in that case I need not enter into other matters at present."

The Hon'ble THE PRESIDENT said:—"The section certainly reads as the Hon'ble Mover of the amendment suggests, and I think the point should be considered."

The further consideration of the Motion was postponed to the next meeting of the Council.

The Council adjourned to Saturday, the 15th instant.

CALCUTTA;
The 10th September, 1896.

F. G. WIGLEY,
Offg. Assistant Secretary to the Govt. of Bengal,

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892.

The Council met at the Council Chamber on Saturday, the 15th August, 1896.

Present:

The Hon'ble SIR CHARLES PAUL, K.C.I.E., Advocate-General, *presiding.*
The Hon'ble W. H. GRIMLEY.
The Hon'ble J. PRATT.
The Hon'ble C. W. BOLTON.
The Hon'ble H. H. RISLEY, C.I.E.
The Hon'ble M. FINUCANE.
The Hon'ble J. G. H. GLASS, C.I.E.
The Hon'ble RAI DURGA GATI BANERJEA BAHADUR, C.I.E.
The Hon'ble NAWAB SYUD AMEER HOSSEIN, C.I.E.
The Hon'ble SURENDRANATH BANERJEE.
The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR.
The Hon'ble A. M. BOSE.
The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR.
The Hon'ble GURU PROSHAD SEN.
The Hon'ble MAHARAJA BAHADUR SIR RAVANESHWAR PROSHAD SINGH, K.C.I.E., of Gidhaur
The Hon'ble M. S. DAS.
The Hon'ble A. H. WALLIS.

THIRD CLASS PASSENGERS AT SEALDAH STATION.

The Hon'ble MR. A. M. BOSE asked—

Has the attention of the Government been drawn to the letters of Babu Asit Chandra Chaudhari in the *Sanjibani* of the 11th and 25th July, in which, after personal investigation, he describes the many serious inconveniences to which third class passengers are subjected at the Sealdah Railway station?

[*Mr. Bose; Mr. Glass; Mr. Risley.*]

Will the Government be pleased to hold an enquiry into these allegations and adopt such of the measures suggested by the writer, and others, as may commend themselves to Government as likely to remove or mitigate the evils complained of?

The Hon'ble MR. GLASS replied:—

"The Administration of the Eastern Bengal State Railway is not vested in the Government of Bengal, but rests with the Government of India, and this Government is not therefore in a position to order the enquiry asked for by the Hon'ble Member. At the same time it is the desire of the Lieutenant-Governor that the convenience of all passengers by Railway should receive every attention that is possible, and the matters brought to notice by the Hon'ble Member will therefore be referred to the Government of India for consideration."

GRANT-IN-AID RULES FOR MEDICAL INSTITUTIONS.

The Hon'ble MR. A. M. BOSE asked—

Are there any grant-in-aid rules for Medical Institutions? If so, will the Government place them on the table?

Having regard to the fact that the Government has been recently obliged to limit the number of admissions to the Calcutta Medical College, owing to want of sufficient accommodation in its class-rooms, will it be pleased to render liberal help to any fairly equipped and well-organized Medical Institution, which may be started by private effort, to impart superior medical instruction?

The Hon'ble MR. RISLEY replied:—

"There are no grant-in-aid rules for Medical Institutions.

"As no applications for admission to the Medical College have yet been refused, and the more crowded class rooms are about to be enlarged, the question of subsidizing other Medical Institutions seems hardly likely to arise. The Lieutenant-Governor is not prepared to sanction such grants."

[*Mr. Risley; Mr. Das; the President.*]

BENGAL MUNICIPAL ACT, 1884, AMENDMENT BILL.

The Hon'ble MR. RISLEY moved that the consideration of the Bill to further amend the Bengal Municipal Act, 1884, be resumed.

The Motion was put and agreed to.

The Hon'ble Mr. M. S. Das moved that the following be substituted for the proviso to clause (*a*) of section 85 of the Bengal Municipal Act, 1884:—

'Provided that the amount assessed upon any person or persons, in respect of the occupation of any holding, shall not be more than eighty-four rupees per annum.'

He said:—"It was no doubt the intention of the Legislature, in framing the proviso to section 85 of the Bengal Municipal Act, that the maximum assessment on any single holding, whether it is in the occupation of one person or of more than one person, should not exceed Rs. 84, but to this intention a sufficiently clear explanation is not given, and the result is that this clause has been differently interpreted in different Municipalities. I shall better explain myself by taking a concrete example. Suppose the case of a father and two sons each having a monthly income of Rs. 500. In a Municipality where the assessment is on persons, and according to the circumstances and property of such persons, if the assessment is at the rate of 1 per cent., these three persons will be taxed at Rs. 60 per head per annum if they occupy separate holdings, and if they live in one and the same house, they will not be charged with more than Rs. 84. That, I think, was the intention of the Legislature."

The Hon'ble THE PRESIDENT said:—"I do not see what this amendment means. The word 'person' is used in the Act, and 'person' includes 'persons.'"

The Hon'ble MR. M. S. DAS continued:—"If that word had been explained in the Interpretation Clause, or if it meant two or more persons, then a different construction would not have arisen in different Municipalities. As a matter of fact I may mention, that in the Faridpur Municipality, where two such persons were living in the same house, they would pay Rs. 84, whereas in Cuttack they would pay Rs. 160; so that the proviso is actually interpreted in different ways in different Municipalities, and it is necessary that a clear interpretation should be put. The proviso should be so worded as to unmistakeably point

out the intention of the Legislature. It is for the Council to say whether or not they will apply the maximum rate to a case where more than one person, having separate incomes, occupy one and the same holding. That is a question for the Council to decide, but I submit it is absolutely necessary that there should be a uniform interpretation of the proviso, which hitherto has not been the case. I think that by inserting the words 'or persons' this ambiguity will be removed. We have now introduced what is called a lodger franchise, or in other words, a franchise in favour of persons who have an income of Rs. 50, but do not pay any Municipal rate. But Municipalities, where the assessment on the person is in force, will not have the benefit of that concession, unless the construction I contend for is put on the proviso; for if every person occupying a holding, or any number of persons occupying one and the same holding, are to be taxed according to their circumstances and property, then a person with an income of Rs. 50 would be entitled to vote as a rate-payer. Consequently this concession will not be extended to Municipalities, where the assessment is on the person and not upon holdings. On these grounds I submit that my amendment ought to be accepted."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"If the amendment of my hon'ble friend will help to remove an ambiguity, and I think there is considerable ambiguity from what I have heard myself of the procedure adopted in certain Municipalities, and if there is no further objection than that under the General Clauses Act, the word 'person' includes 'persons,' I think the amendment should be accepted."

The Hon'ble MR. A. M. BOSE said:—"It is just possible that the proviso may be open to the construction to which the Hon'ble Mover of the amendment has referred, and, as he has informed us, it has actually been so construed in some cases. Under the circumstances I think, in the interests of the Municipalities themselves, it may be well to remove that temptation from their path. If two or more persons occupy one holding, let not the tempting possibility of such a construction arise. I would therefore support the amendment."

The Hon'ble THE PRESIDENT said:—"I do not think this amendment is necessary. It is a tax upon persons occupying holdings; that means different persons occupying different holdings, not several persons occupying one holding."

[*Mr. Das; Mr. Risley.*]

The Hon'ble MR. M. S. DAS in reply said:—"This is not an ambiguity which suggests itself to me alone. In Collier's edition of the Bengal Municipal Act, he makes the following comments on this provision:—

'Two or more persons having separate sources of income and occupying the same holding, may, it would seem, be separately assessed under clause (*a*). In such a case it appears somewhat doubtful whether each could be assessed up to the maximum of Rs. 84, or whether the total assessment upon all the occupiers of the holding must be within that amount. Probably the latter view is the correct one?

"The difficulty has suggested itself to different Municipalities, and different interpretations have been put upon it; and the same difficulty suggested itself to Mr. Collier, and he has annotated upon it."

The Hon'ble MR. RISLEY said:—"I do not think the Council should amend an Act to correct a mistake made by a commentator."

The Motion was put and lost.

The Hon'ble MR. M. S. DAS also moved for leave to withdraw the following motion standing in his name:—

"That in section 14 the following be substituted for the proposed new section 351B:—

'Fees may be charged at such rates as may be fixed by the Commissioners at a meeting and sanctioned by the Commissioner of the Division, for the use of music by processions in the streets on the occasion of festivals or ceremonies.'

'The said fees should be levied by the Officer of Police who regulates such processions.'"

The Motion was, by leave of the Council, withdrawn.

The Hon'ble MR. M. S. DAS also moved that in section 14, for the proposed new section 351 B (*1*), the following be substituted:—

'351B. Fees may be charged at such rates as may be fixed by the Commissioners at a meeting and sanctioned by the Commissioner of the Division, for processions in the streets attended with music, for which a license has been issued under clause (3) of section 30 of Act V of 1861 of the India Council.'

The Hon'ble THE PRESIDENT said:—"The objection to this section is that people have a perfect right to have religious processions in the streets; and under the Indian Council's Act, section 43, this Council has no right to interfere with them. Under that section this Council has not the power to legislate on any subject affecting religious rites, except, with the sanction of the Governor General in Council previously obtained. From time immemorial Her Majesty's subjects have had the right to have religious processions in the streets, and we cannot interfere with that right. The amendment should therefore be withdrawn."

The Hon'ble MR. M. S. DAS continued:—"My amendment is the only way out of the difficulties, under the section as it now stands. Religious processions are exempted from taxation under the section, and therefore the question whether a particular procession is of a religious character or not, will have to be decided by the Municipal Board. From my experience of mufassal Municipalities, I think if we were to convert Municipal Boards into Ecclesiastical Boards, we shall be doing something absurd. It will be for Municipal Boards to decide what is a religious procession and what is not a religious procession. In our Boards we have members of diverse religious persuasions. We have followers of Hinduism, Muhammadanism, and many other *isms*, and we are going to introduce the worst of all *isms*; which is *schisms*. What is proposed to be done is to convert Municipal Boards into tribunals of an ecclesiastical character, which would have the right to decide what is a religious procession and what is not a religious procession—tribunals—where the Hindu will have the right to decide what is or is not a part of the Moslem faith, and *vice versâ*."

The Hon'ble MR. RISLEY said:—"I think the Hon'ble Mover of the amendment has said enough to show the serious difficulty which will arise in connection with the working of this proposed new section 351B, and as the learned Advocate-General is of opinion that the amendment will be *ultra vires*, I will ask the Council for leave to withdraw section 14 of this Bill."

Section 14 of the Bill was, by leave of the Council, withdrawn.

The Hon'ble MR. M. S. DAS thereupon withdrew his Motion.

The Hon'ble MR. RISLEY, by leave of the Council, withdrew the motion of which he had given notice, that the words and figures "when an

Officer of Police either has issued orders under section 30 of Act V of 1861 (*an Act for the Regulation of Police*) for regulating the use of such music or has refrained from issuing such orders" be inserted after the words "religious character" in the new section 351B, which it was proposed by section 14 of the Bill to insert in the Act.

The Hon'ble MR. RISLEY, by leave of the Council, also withdrew the motion of which he had given notice that sub-section (2) of the said section 351B, and the figure "(1)" before the words "Fees may" in the same section, be omitted.

The Hon'ble MR. A. M. BOSE, also by leave of the Council, withdrew the motion of which he had given notice that in section 14, the following words be added at the end of the proposed new section 351B, sub-section (1):—

'Such rates shall be communicated by the Commissioners to the District Superintendent of Police of the district in which the municipality is situated.'

The Hon'ble MR. A. M. BOSE, by leave of the Council, also withdrew the motion of which he had given notice that in section 14, for the proposed new section 351B, sub-section (2), the following be substituted:—

'The said fees shall be deposited with the Officer of Police to whom application is made under section 30 of Act V of 1861, at the time when the application is made, and intimation thereof, as well as the amount so deposited, shall be sent by him to the Commissioners.'

The Hon'ble MR. M. S. DAS also, by leave of the Council, withdrew the motion of which he had given notice that in section 14 the proposed new section 351B (*2*) be omitted.

The Hon'ble MR. RISLEY moved that the following be substituted for clause (*iii*) in section 3 of the Bill:—

'(*iii*) being a graduate or licentiate of any University, or having passed the First Arts Examination of the Calcutta University or the corresponding standard of any other University, or holding a license, granted by any Government Vernacular Medical School, to practise medicine, or holding a certificate authorising him to practise as a pleader or as a mukhtar or as a revenue-agent—occupies a holding, or part of a holding, in respect of which there has been paid, during the year aforesaid, in respect of any rates, an aggregate amount of not less than three rupees.'

[*Mr. Risley.*]

He said:—"Clause (*iii*) of section 3 of the Bill stood thus:—

'(*iii*) being a member of a joint undivided family, one of the members of which has, during the year aforesaid, paid, in respect of any *rates*, an aggregate amount of not less than three rupees—is a graduate or licentiate of any University, or holds a license, granted by any Government Vernacular Medical School, to practise medicine, or holds a certificate authorising him to practise as a pleader or a mukhtar or a revenue-agent.'

"In order to make the present proposal clear it is necessary to recall what happened at a previous meeting of the Council. The Hon'ble Member for the Calcutta Corporation then moved an amendment to insert after the word 'University' the words 'or having passed the First Arts Examination of the Calcutta or any other University,' and subsequently in the course of the discussion it appeared that the Council were in favour, for reasons upon which I need not dwell, of some such addition to the clause, and I agreed to accept it, provided it was altered so as to remove the difficulty that it proposed to confer upon undergraduates who pass the First Arts Examination—a privilege which is now given only to graduates of the elder Universities. My hon'ble friends on my left were under the impression when this amendment was brought forward that it would in some abstruse way be good for members of the Muhammadan community, but obviously it is impossible for Muhammadans to be members of a joint undivided family, and therefore the amendment as it was then framed have left Muhammadans out in the cold. I might have left the section there, but I am not sorry to have the chance of amending it in the manner now proposed. It is exceedingly difficult to understand why this joint undivided family clause, which governs the entire section, was ever introduced. It produces the absurd result that a pleader or mukhtar or revenue-agent who is a member of a joint undivided family has a vote as being a pleader, mukhtar or revenue-agent, irrespective of any rateable qualification, but a pleader who is not a member of a joint family has no vote. The history of the section is extremely obscure. I have looked through a mass of old papers, and I have been unable to discover why this clause was imported into the Act of 1884. As far as I can make out, it came from some very tentative and nebulous suggestions made in connexion with the Local Self-Government Act which was under discussion at the time, and apparently in the course of the proceedings of the Select Committee this clause somehow got imported into the Municipal Bill out of the discussions relating to the other Bill. I confess I have always found it difficult to understand this

provision, and it must equally have puzzled the municipalities who have had to deal with it. I suspect that they ignore the limitation to members of a joint family and allow all pleaders and mukhtars to vote as such. By making the change which I now propose, we shall thus merely legalise what I believe to be the present practice of municipalities, and also combine educational qualifications with a certain amount of property qualification. You have in the amendment which I now propose an educational qualification in that a man must be a graduate or have passed the F.A., and a property qualification in that he must occupy a holding in respect of which rates amounting to Rs. 3 have been paid by some one. I think it is reasonable to combine the two qualifications. We want to recognise intelligence as giving a right to vote, but every one will feel that intelligence dissevered from responsibility is a dangerous thing, and therefore the amendment which I now move brings in a property qualification and will put Hindus and Muhammadans in respect of this qualification on equal terms. It merely cuts out the portion about a joint undivided family and adds to the end of the section a provision about occupying a holding in respect of which a certain amount of rates has been paid."

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR said:—"I submit this amendment ought to be supported and no objection whatever raised to its acceptance. The amendment is the outcome of what passed in Council at a previous sitting in connection with this Bill. An amendment was then proposed by the Hon'ble Member for the Calcutta Corporation in favour of extending the franchise to those who had passed the First Arts Examination. My hon'ble friend exhausted his eloquence without making much impression: Other gentlemen spoke in favour of the amendment, but not apparently with much greater effect. It, however, occurred to me that the amendment would promote the interests of the Muhammadans, and I advanced additional argument, and threw the weight of the Muhammadan community in favour of the amendment. The result was that the Hon'ble Member in charge of the Bill was kind enough to accept the principle of the amendment chiefly because it was believed that it would advance Muhammadan interests. I did not bind myself to the wording of the amendment, neither did the Hon'ble Member in charge of the Bill do so. The result was that with the intimation of the favourable opinion of the Hon'ble Member in charge of the Bill, the matter was allowed to stand over for further consideration how to give effect

to the amendment consistently with the claims I had advanced on behalf of the Muhammadan community. The wording of the clause in the Act is very cumbrous, and it is difficult to ascertain its precise meaning: there is one thing certain and that is, that the clause does not favour the claims of the Muhammadans. The present amendment is expressed in very apt and appropriate language, and says precisely what it means. In fairness to what passed in the Council on the last occasion, this amendment ought to be accepted without much discussion."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"I am hardly in a position to accept this amendment. The Hon'ble Member in introducing this Bill said it was far from his object to introduce anything like a restrictive measure which would take away the franchise which has hitherto been enjoyed by any section of the people. In the clause now before the Council, the provision regarding joint undivided families is entirely omitted; therefore as far as this clause is concerned it is inconsistent with the pledge which the Hon'ble Member in charge of the Bill gave to the Council. Then the Hon'ble Member has introduced another little change in the clause; he has introduced the qualification of 'occupying a holding.' That is a provision which is restrictive in its character. Formerly any person who was resident in the municipality and who had the educational qualification was entitled to the franchise, and we know perfectly well that being resident and occupying a holding are two different things. 'Residence' let in a large class of people who are not residents in the strictest sense. I do not object to the comprehensive meaning of the word 'residence.' It is an index of the liberality of the Government in this respect; but when the occupation of a holding is introduced as one of the qualifications, it does restrict the franchise, and is inconsistent with the promise made in introducing the Bill. I hope the Hon'ble Member in charge of the Bill will see his way to accept the clause as it stands in the Bill, modifying it so far as to give the franchise to those who have passed the First Arts Examination. I ask the Hon'ble Member to accept this suggestion, having regard to the promise which was held out that it was far from the intention of the Government to restrict the franchise, and that if anything the franchise was to be broadened rather than restricted. The effect of the omission of the words 'joint undivided family' will not, I submit, benefit the Muhammadan community in the slightest degree."

[*Babu Guru Proshad Sen.*]

The Hon'ble BABU GURU PROSHAD SEN said:—"I think a compromise might be arrived at. I propose to eliminate the words at the end of the Hon'ble Member's amendment from the words 'or occupies a holding or part of a holding in respect of which there has been paid, during the year aforesaid, in respect of any rates, an aggregate amount of not less than three rupees,' and to let the section end at the words 'revenue-agent.' It has been said that the proposed amendment combines both the educational and property qualifications. I submit, as far as this idea of combining the two qualifications goes, the property qualification laid down does not mean much. The introduction of the word 'occupation' in the present form appears perfectly immaterial. Occupation may be that of a tenant on payment of rent, or it may be permissive without payment of rent, or it may be that of a trespasser. It is not provided that the rates must be paid by the individual exercising the franchise under this clause. Rates have to be paid, but it may be paid by the rightful owner, and certain persons fulfilling the previous conditions may be occupying the premises wrongfully, still they would have the franchise. The nature of the occupation therefore is perfectly immaterial, and it does not matter where the intention is to give the franchise to persons fulfilling certain educational qualifications, whether they live in a hut or in a palatial building which may not be their own. My friends, the Hon'ble Members who represent the Muhammadan interests in this Council, are under an impression that if the section be left as in the Bill, the Muhammadan population will not have the benefit of the Hon'ble Babu Surendranath Banerjee's amendment, in as much as there are no joint families amongst the Muhammadans. Whatever may be the right view with regard to this question, when such an impression prevails, I for one would eliminate the words 'being members of a joint undivided family' out of deference to their wishes, especially as nothing is lost by the elimination of these words; but at the same time, in order to render the sense clearer, I would eliminate the words 'occupies, &c.,' which have now been added, and have it simply as a franchise given for educational qualifications. This would meet with the wishes both of the Hon'ble Muhammadan Members and of the Hon'ble Babu Surendranath Banerjee who would retain the words 'being members of a joint undivided family,' and at the same time this will broaden the basis of this franchise. As for residence and age, we have the provisions elsewhere. As I have

said before, the restrictive property qualification which the Hon'ble Mover of the amendment proposes to add means nothing and should be excised. As a matter of fact the property qualification is not combined with the educational test. I have a word also to say with respect to the word 'graduate,' which I consider is superfluous when the standard of the First Arts has been accepted, for those who are graduates must have passed the First Arts Examination. Perhaps the word 'Licentiate' too is now redundant, for there are only Licentiates of Medicine and Licentiates of Civil Engineering. So far as Licentiates of Medicine are concerned, they must have passed the First Arts Examination; and if this be the case with regard to Licentiates of Civil Engineering also, the words 'Licentiate of any University' might also be eliminated as superfluous. I therefore move that the motion before the Council be amended by the omission of all reference to graduates and licentiates, and the omission of all the words at the end of the clause beginning with the words 'occupies a holding.' "

The Hon'ble THE PRESIDENT said:—"As no notice of this amendment has been given, it cannot be moved."

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR said:—"I do not see why the words 'joint undivided family' should be omitted. The members of such families have enjoyed the privilege of voting for several years."

The Hon'ble THE PRESIDENT said:—"It seems to have been taken for granted that a Muhammadan cannot be a member of a joint family, but in point of fact I know many such instances—not in the Hindu sense of the word, but in practice there are Muhammadan joint undivided families."

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR said:—"I submit that I do not see why the words 'joint undivided family' should be omitted. There are undoubtedly joint families among Muhammadans as well as among Hindus. If the object of the amendment is simply to see that the franchise of Muhammadans is not curtailed, the retention of the words 'joint undivided family' would not affect it. But the omission of those words will not advance the interest of Muhammadans. As has been observed by the Hon'ble Babu Surendranath Banerjee, I do not see any reason why these words should be omitted now after the members of joint undivided families have enjoyed the privilege

for years. It is a very important question—more important than that of taking away the franchise from cart-drivers. Members of joint families are very respectable and make very good voters, and they also make very good Commissioners. I shall certainly oppose the amendment moved by the Hon'ble Member in charge of the Bill."

The Hon'ble MR. GRIMLEY said:—"My hon'ble friend Rai Eshan Chundra Mittra Bahadur has stated that the effect of this amendment will be to take away the franchise from persons who have enjoyed it for several years, and if he can prove that proposition, I for one will associate myself with him on this question. But I think I shall be able to show that the amendment put by the Hon'ble Member in charge of the Bill does not take away the franchise from a single person who now possesses it. The law confers the franchise on three classes of persons who are members of a joint undivided family, one of whom has paid rates to the amount of not less than three rupees. Under the amendment now before the Council, the franchise is given to those classes of persons, but it is no longer necessary to impose the condition of being a member of a joint undivided family. They have only to show that some person has paid a tax of Rs. 3 in respect of the holding in which they live. So that not a single person who now enjoys the franchise will lose his vote."

The Hon'ble MR. RISLEY in reply said:—"The only remark I have to make in answer to what has fallen from the Hon'ble Member for the Corporation and the Hon'ble Member who last spoke to the effect that in the Bill as it stood no restriction whatever as to the payment of rates was put upon members of joint undivided families, I have to point out that the restriction as to the payment of an aggregate amount of rates not less than three rupees is already in the Act, and was put into it in 1894 at the instance of the member for the Corporation. As for the suggestion that members of a joint undivided family will be deprived by the amendment of a privilege which they have hitherto enjoyed, I say that on the contrary the amendment will let in all graduates and undergraduates who have passed the F.A., whether they are members of a joint undivided family or not, and all pleaders, mukhtars, and revenue-agents. I think it is impossible to devise a section which could be more comprehensive."

[*The President; Mr. Bose.*]

The Hon'ble THE PRESIDENT said:—"Under the present law 'residence' is necessary, and there is nothing more than that it means residence, and I think that the omission of the words 'joint undivided family,' to which I was supposed to attach some weight, has been explained away by the Hon'ble Mr. Grimley in a satisfactory manner."

The Motion was then put and agreed to.

The Hon'ble MR. A. M. BOSE moved that after section 4, the following be inserted:—

"4A. At the end of the first paragraph of section 38 the following shall be added, namely:—

'or when a meeting is called, under section 39, by persons signing a requisition.'"

He said:—"Under the law as it stands at present, meetings of the Commissioners may be called only by the Chairman, or in his absence by the Vice-Chairman. The Select Committee proposes, and very properly proposes, that that state of the law should be altered by an amendment in section 39 providing another method of calling meetings; namely, that when the Chairman or the Vice-Chairman fails to call a special meeting within thirty days after a requisition has been sent, the meeting may be called by the persons who signed the requisition. Under these circumstances I beg to point out that alterations in certain other sections of the Act are rendered necessary by reason of this change. One of these sections is section 38. At present, under that section, the legal obligation of the Commissioners to attend meetings arises when meetings are called by the Chairman or, in his absence, by the Vice-Chairman. I propose to add to that section the words 'or when a meeting is called under section 39 by persons signing a requisition.' This will meet the requirement in all cases as may be readily seen by reference to these two sections. I believe it was the Magistrate of Howrah who, in giving his opinion, says that he is not aware whether this Bill is part of a scheme for the periodical revision of the Municipal Act, or whether it is intended to give finality to the law. Perhaps the remark was intended to be satirical. But I submit that the best way to prevent this periodical revision of the Act will be to see that it incorporates other changes that are made necessary or desirable in consequence of changes which have already been adopted."

The Hon'ble MR. RISLEY said:—"I have no objection to the principle of this amendment as far as it goes, but it seems to me to be unnecessary. The Hon'ble Member proposes to add certain words to section 38 which deals with the ordinary meetings of the Commissioners, but the words he proposes to add to that section relate only to the addition made by the Bill to section 39, which deals with special meetings, and it will be exceedingly inconvenient and undesirable to insert in a section which deals with ordinary meetings a reference to a procedure which can only come into force on extremely rare occasions when the Chairman or Vice-Chairman may be called upon under section 39 to convene a special meeting and refuses to do so. The provision which now stands in the Bill is intended to meet such cases as that of the Chairman of the Dacca Municipality, who has for the last three months refused to call a meeting, the object of which is to depose him from office. The provision in the Bill has reference solely to section 39, and has nothing to do with section 38, and I am confident that my hon'ble friend the mover of the amendment will see that."

The Hon'ble MR. A. M. BOSE in reply said:—"I did not enter into the matter fully when moving my amendment, as I confess I expected that it would be accepted as a matter of course. What I wish to point out is this, that under section 39, power is proposed to be given to requisitionists to call meetings by themselves under certain circumstances. That proposal has been accepted by the Council, and it being now a provision in the law as much as any other provision, it imposes on the Commissioners an obligation to attend the meeting so called. The Legislature thought it necessary to impose that obligation by express provision of the law, viz., by section 38, which enacts that the Commissioners shall meet for the transaction of business 'at least once in every month and as often as a meeting shall be called by the Chairman or, in his absence, by the Vice-Chairman.' In spite of the authority of the marginal note to the section ('the Commissioners to meet ordinarily once a month'), I wish to point out that this section 38 refers not only to ordinary meetings, but to all meetings of the Commissioners, whether ordinary or special, which may be called by the Chairman. If, for instance, under section 39, in response to a requisition, the Chairman calls a special meeting, then the provisions of section 38 will apply, and the Commissioners are under legal obligation to attend the meeting. But, as has been pointed out, it is now proposed to add another method of

convening a meeting, viz., on the authority of the requisitionists. It becomes necessary, therefore, to extend the scope of section 38. If the Hon'ble Member in charge of the Bill, however, objects to add the clause which I propose to section 38, he might have proposed some addition to section 39, which would have that effect; but somewhere or other some such provision ought to be introduced. To put the matter briefly, section 38 applies to all meetings, whether ordinary or special, called by the Chairman or the Vice-Chairman; and it imposes an express obligation upon the Commissioners to attend them. All that I ask is that the same obligation may be extended to meetings called by the requisitionists, which it is now proposed to recognize. I hope the Hon'ble Member will see that there really is occasion for some provision, imposing an obligation upon the Commissioners to attend when called upon to do so under the addition to section 39, which was made in Select Committee. I quite agree with the Hon'ble Member in charge of the Bill that such occasions will be few and far between, but when they do arise, provision should be made to meet the contingency."

The Motion was put and lost.

The Hon'ble Mr. A. M. BOSE also moved that, after section 5, the following be inserted:—

"5A. (*1*) After the words 'or Vice-Chairman,' in the first paragraph of section 42, the words 'or under section 39 by persons signing a requisition' shall be inserted.

"(*2*) For the words 'Chairman or Vice-Chairman,' in the last paragraph of section 42, the word 'President' shall be substituted."

He said:—"These amendments are of a similar character to the last, and are rendered necessary by the alteration introduced by the present Bill in section 39, to which I have already referred. I need not repeat the arguments I have used."

The Motion was put and agreed to.

The Hon'ble MR. A. M. BOSE also moved that, in section 6, after clause (*vii*), the following be inserted:—

'(*vii a*) the acquiring and keeping of open spaces for the promotion of physical exercise and education.'

[*Mr. Bose.*]

He said:—"I venture earnestly to hope that this amendment will commend itself to the sympathy of Hon'ble Members of the Council. By the Bill it is proposed—and the proposal has been accepted—to enable a Municipality to spend money for improving the breed of horses and cattle, and of mules and asses. I submit improving boys and men is an object at least as important as any of these, and Municipalities should, at the same time, be empowered to spend a little money, if they find it necessary, to help in carrying it out. We are adding to the number of our examinations, and to the burden laid on our young men; if we have not quite succeeded in making two blades of grass grow where one grew before, we have at least succeeded in imposing two examinations where one sufficed before, as we found the other day from an answer given to one of my questions in regard to the Upper Primary Examination. I think the physical education of boys and of men of larger growth is a matter upon which the Municipality may legitimately, and with advantage, be allowed to spend some little money. With regard to the importance of keeping open spaces, I think I need not say much. The improvement of health and sanitation is one of the primary objects of Municipal legislation, and the preservation of open areas will be an important means for promoting this object. These will be the lungs, or breathing spaces, of growing centres of population, and will afford room for exercise and recreation to all classes of rate-payers; and by this means we shall be able to materially improve the health of the people. It is not necessary for me to refer to the legislation on this point in England. There, in spite of all—and it is indeed a great deal—that is done by private enterprise and private benevolence, the Acts of 1877 and 1881, the Metropolitan Open Spaces Acts, were passed by Parliament to enable such spaces to be acquired on behalf of the public; and by the Statute of 1887 these Acts have been extended to all urban sanitary districts, and even to certain rural sanitary districts throughout the country. And the necessity for such open spaces is even greater in this country with its climate than it is in England. They will not only benefit the rising generation, but be of benefit to all classes. It cannot be objected, as was objected the other day in regard to libraries, that this will be a luxury which will only benefit the few; on the contrary it is a necessity for all and even more for the poorer classes than for the rich. One matter to which I would specially invite the attention of the Council in this connection is the necessity which exists for the early

acquiring of such spaces. Some years hence in many cases they will cease to exist, and no money may then buy them. It is not necessary to give many instances. I know of a municipality in which within the last twenty years great changes have been introduced; open spaces which were within and outside the municipality are being bought in and built upon, and ten years hence it will perhaps be too late to make any attempt of this kind. Brick and mortar, when once they have invaded a place, do not retreat so easily. In fact, putting it even on the lowest ground of speculation, I do not say it is right to look upon it in that light; if a municipality were to acquire such open spaces they would probably get a very good return for them if they wanted to dispose of them hereafter. With regard to the question of physical education, when I was connected with a municipality, I tried to get up a sort of athletic competition at the end of the year. Even the sum of Rs. 20 in prizes—and that is not a ruinous figure—would have answered the purpose. But the municipality was powerless to take any steps in the matter. Possibly it may be said that in the present law there is power to provide gardens and squares. That is recognised as coming within the purview of section 69, clause (*i*) of which provides, amongst other things, for the construction, maintenance and improvement of squares and gardens. But play-grounds and open spaces, which may not come under that category, would, whenever funds are available and there is a clear demand for such things, be of great benefit to the people. I might give many examples of play-grounds and open spaces not coming within the definition of squares and gardens, which would nevertheless be of great benefit to the municipality, but I do not anticipate that objection. I do not think I need add anything more to commend this amendment to the consideration of the Council, and I trust Hon'ble Members will accept it. I would appeal to the representatives in this Council of the Muhammadan community as the representatives of a manly race, and I trust a proposal of this kind, which will enable the rising generation as well as the older generation to have the full advantage of such open spaces, will commend itself to them. In conclusion I would add one word of appeal to the Hon'ble Member in charge of the Bill. As the first President of the Society for the higher training of young men, the Hon'ble Mr. Risley was the means of giving a strong impulse to the cause of physical education, an impulse which, with Municipal and Government help, has now resulted in the opening of the Marcus Square grounds

in Calcutta, and I trust that what he has been able to do in connection with the Metropolis he will also enable municipalities to do, if funds are available and the requirements of the people make it necessary that such a step should be adopted in their interest."

The Hon'ble MR. RISLEY said:—"I have listened with great attention to the Hon'ble Member's ingenious exposition of his amendment; but I regret I am not in a position to accept it. The matter of open spaces is covered as fully as it need be by clause (1) of section 69, which empowers municipalities to construct, maintain and improve squares and gardens. That appears to me to cover every conceivable case which would otherwise fall under the proposal of the Hon'ble Mover of the amendment. As regards the question of physical education, section 69, clause (V) empowers municipalities to provide for the establishment and maintenance of schools, and I conceive that physical education in some form or other is a recognised part of general education and is therefore already provided for. It is certainly provided for in all Government schools and colleges and there is no reason why it should not be equally provided for in municipal schools. As regards English precedents, I am not entirely disposed to adopt them. I doubt if you can find any municipality in Bengal—certainly very few—where the people are cooped up and unable to get to the open in the way they are in English towns. The provisions of the English law in regard to open spaces are of an entirely different kind, and I think the precedent is practically inapplicable. I think, therefore, that in as much as the two objects in view are included in the Act, this amendment is unnecessary. If it is proposed to go beyond the Act and to add something to the provision relating to squares and gardens in the direction which has already been mentioned, then I think the amendment should be very carefully considered, and I doubt whether it should be brought forward at so late a stage, when the municipalities concerned have no means of stating their views. It is no doubt right to encourage municipalities which have shown a disposition to advance, but I do not think municipal funds should be devoted to provide football and cricket grounds. If the municipalities had been consulted and there was a general desire on their part to have such power confided to them, it would have been a different thing, but I do not think the Council should take the responsibility of introducing anything of this kind. As it is I think these

objects are well met and are likely to be well met by private liberality, and we should hesitate before we put the burden on local authorities; and if we do so the probable result will be that the sources of private liberality will be dried up once and for all."

The Hon'ble BABU GURU PROSHAD SEN said:—"Even if these objects were already covered by the law as it is, the present amendment will, after what has just fallen from the Hon'ble Member in charge of the Municipal Administration of the Province, be necessary. That is one of the reasons why, if the object is good, the object should be well defined as an object for which municipal funds can be expended. We have shewn, so far as the application of municipal funds is concerned, enough of good will towards the inferior animals, and it will not be creditable to this Council if we were not to show a similar amount of good will towards our fellowmen. Of course the matter is to be left entirely to the discretion of the municipal bodies, and I support the amendment, or rather this addition to the various clauses of section 6, by the same arguments as were used by the Hon'ble Mr. Risley, the Hon'ble Mr. Finucane and the Hon'ble Babu Surendranath Banerjee with regard to the veterinary clauses. With the Hon'ble Mr. Risley, my hon'ble friend Mr. Bose in support of his amendment will say 'municipalities are noble institutions, but if you drive them they will not do so, particularly if you wanted to drive them to do something which the law leaves optional with them.' Using the Hon'ble Mr. Finucane's arguments, with reference to veterinary clauses, my friend, the mover of the present amendment, will say:—'Whether open spaces or play-grounds should be opened, maintained and established, is a question for each particular municipality to decide. Surely it is not too much for me to ask that municipalities be given the option of coming to a decision on that point. With the Hon'ble Babu Surendranath Banerjee he will say:—'The section is not to stand unqualified and no pressure can be put on the local authorities.' Turning to the last resolution of the Government on the administration of municipalities, you will find that the revenue proper of all the municipalities taken together amounted during the year under review to Rs. 21,84,000, and the expenditure under those heads which are not matters of discretion was Rs. 21,72,600, excluding public instruction, which, under the Bill as amended by the Select Committee, has now been made a subject of compulsory expenditure. Therefore, assuming that the discretion of the municipality will be

[*Babu Guru Proshad Sen.*]

wisely used and not abused, I do not think any money will be available for any other purposes whatever. But this is quite a different matter with which perhaps, according to my hon'ble friends, this Council has nothing to do. They seem to argue, if no money be forthcoming, the clauses will remain inoperative—that is all; but they asked, in the matter of the veterinary clauses—and this was the sum total of their arguments, why should not the Legislature provide for an option, when the municipalities ask for it? I ask now, why should not the Legislature provide for an option in this matter also? The only advantage which under the circumstances of the case will be derived from the enactments of the clauses providing for additional expenditure will be the display of good intentions by the Legislature towards a number of objects, and I do not see, why the Legislature should be chary of showing its good intentions to our fellowmen, when it could show enough of it to inferior animals. We have already authorised the expenditure of money in providing free libraries, and I do not see why provision should not also be made for the expenditure of money upon the acquisition of land for keeping open spaces and play-grounds. A strong appeal was made by the mover of the amendment to the Founder of the Higher Training Society. I hope this appeal will not be in vain. My hon'ble friend, Rai Eshan Chundra Mittra Bahadur, has told us that the present is the time when land can be obtained at a small cost, and that a few years hence it will not be possible for Municipalities to acquire land for the purpose of providing open spaces, except at a prohibitive cost. As to the stock argument of the Hon'ble Member in charge of the Bill that this proposal has been brought forward too late, I do not see how, if the question cannot be raised now, it can be raised at all. If the point was attempted to be discussed when the Bill was introduced and referred to a Select Committee, my hon'ble friend, the mover of the amendment, would have been told that at that stage we can only discuss the principle of the Bill, and not the details. My hon'ble friend was not a member of the Select Committee, and he could not have brought forward this proposal before, and therefore I maintain that this is the only stage at which he can bring forward amendments to the Bill. It may, however, be said that it was open to him to have written to the Secretary of the Legislative Department, but how was my hon'ble friend to know what treatment his proposal would receive at the hands of the Select Committee. Moreover, so far as the plea is concerned that this proposal has been brought

forward too late, I may point out that the objection was overlooked in respect of several amendments which have been already considered, and some of which have been accepted by the Hon'ble Member in charge of the Bill, although they had not been before the Select Committee or the several Municipalities."

The Hon'ble MR. FINUCANE said:—"As my hon'ble friend who has just sat down has made reference to me personally, and intimated that on the grounds on which I advocated the appointment of veterinary assistants, I ought to vote also for the present amendment, I wish to explain briefly why I intend to vote against the amendment. The main reason I advanced at the last meeting of the Council for voting in favour of the veterinary clauses which were before us then, was that they had been referred to the several Municipalities for their opinion, and that an overwhelming majority were in favour of them and only an insignificant minority were against them. I then appealed to the Members of this Council and to the friends of Local Self-Government to say whether we should ignore the wishes of 102 Municipalities in Bengal. But the particular proposal now before the Council has not been referred to the Municipalities who are concerned, and has not been considered by them. It is not therefore on all fours with the motion for the appointment of a veterinary assistant, and unlike that motion is not accepted by the responsible member in charge of the Bill, and I must therefore vote against it in its present form."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"If the observations which have been made by the Hon'ble Member in charge of the Bill are to be accepted, then a large number of the amendments on the agenda paper should not find a place there at all, for a great many of them have reference to matters in respect of which the Municipalities were not consulted. The very fact of these amendments being allowed to appear on the agenda paper, shows that it was intended they should be considered, and not summarily rejected. I do not think the Hon'ble Member in charge of the Bill seriously means to take his stand on this objection. That objection was brought forward on previous occasions, and has been effectually disposed of. The real *crux* of the matter is, whether or not this amendment is covered by the objects set forth in the Bill, and to which Municipal funds may be applied. Is this amendment necessary or is it not? The Hon'ble Member in charge of the Bill is of opinion that it is not necessary, because it is included

[*Babu Surendranath Banerjee; Maulvi Muhammad Yusuf Khan Bahadur.*]

in the provisions of the Bill which have been already accepted. His contention is that, having provided for the construction and maintenance of squares and gardens, that provision includes the leaving of open spaces. But if we have provided for squares and gardens, we should also provide for open spaces for the promotion of physical education. And if there is an element of doubt as to whether the objects contemplated by this amendment are included in this provision relating to squares and gardens, and that there is this element of doubt, the fact of the amendment being brought forward by my hon'ble friend, who is a distinguished lawyer, is sufficient evidence—it seems to me to be the plain duty of the Council to set this doubt at rest by accepting the amendment. The question is—do squares include open spaces? The Hon'ble Member in charge of the Bill says 'yes'; the Hon'ble Mover of the amendment says 'no.' There is thus a difference of opinion between persons whose opinions are entitled to weight. How often does the word 'said' occur in legal phraseology: it is a piece of unnecessary surplusage. The law is full of unnecessary surplusages which are put in, in order that the meaning may be made clear. If it is mere surplusage, what possible objection could there be to the acceptance of this amendment? We ought to take a common-sense view of the matter. There may be a doubt as to whether open spaces are included in the word 'squares,' and if there is this doubt, this amendment will set it right. I hope the Council will rise above legal technicalities and take a broad view of the situation, and accept my hon'ble friend's amendment."

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR said:—"In moving this amendment the Hon'ble Member has, in kind, courteous and flattering terms, appealed to me as the representative of a manly race in this Council. I have considered his appeal, and I have to respond to it according to the best light in which the question presents itself to me. There can be no doubt that the objects which my hon'ble friend has in view are, in the abstract, very laudable, and are in every way commendable, so that no possible objection could be taken to them, considered apart from their connection with Municipal administration. But the question arises, in what light are they to be considered in relation to their bearing and connection with the Municipal Bill? The position which the Hon'ble Member has assigned to his amendment is to place it after clause (vii), and that clause is not included in the clauses which are covered by the proviso,

[*Maulvi Muhammad Yusuf Khan Bahadur.*]

and upon which the proviso operates. [The Hon'ble Mr. A. M. Bose:—"I have no objection to let it be included with the other clauses mentioned in the proviso."] It is with reference to the amendment, as proposed, that I make my observations. A question has been raised whether 'open spaces' intended for physical education within the meaning of the contention of my hon'ble friend the mover of the amendment, are included in clause (*i*) under the terms 'squares and gardens' or in clause (*r*) within the language used, viz., 'establishment and maintenance of schools.' This question is somewhat different from the one now raised. The Hon'ble Member, who has last spoken, has argued that if the substance of the amendment is included in these other clauses, then why not remove all doubt by giving to the requirements of physical education, a substantive place in the Bill? To me the matter occurs in this wise: assuming that what is required in the amendment is included in the existing clauses, it is quite clear that the inclusion is in a most remote and indirect way. The primary and direct object of clause (*i*) is the construction and maintenance of squares and gardens: no doubt it may be the indirect result of having squares and gardens that health might be improved; but the squares have only a remote bearing on the question of promotion of health as the result of physical education which is raised in the amendment; so also as regards schools: the primary and main object of a school is to impart intellectual education, and physical education is only a subordinate idea.

"We must therefore take it that the objects for which it is the intention of the Legislature that clauses (*t*) and (*v*) should provide, are something different from the 'promotion of physical education.'

"The amendment therefore raises a new and important question. It proposes to give to the means of physical education a separate heading, and it is contended that legislative sanction and recognition should be given to physical education as such, without its being made subordinate to other purposes. The result of the contention raised will be that Municipal funds *must* be found for the object in view; in other words, the result of the amendment will be that that object *must* find a necessary place in Municipal administration, and Municipalities *must* find funds for it, as they must find funds for other objects included in the preceding clauses. Is it desirable or expedient that this should be so, consistently with a due regard to Municipal interests?

[*Maulvi Muhammad Yusuf Khan Bahadur; Mr. Das.*]

"With our knowledge of the state of the Municipal funds, it is clear that it is next to impossible that we should ask the Municipalities to devote funds for this particular purpose. Want of funds is the great objection against the amendment as it stands, and on account of want of funds it is impossible to vote for it. My hon'ble friend, Mr. Bose, has referred to the expenditure of money for veterinary purposes, and has said that in regard to legislative necessity, a provision for physical education stands at least on an equal footing with the provision for the treatment of cattle. I say it does not necessarily follow, because it is expedient to logislate for the treatment of cattle, it is also necessary to legislate in the matter of physical education. The two cases, as matters at present stand, are not parallel. We legislate according to the circumstancos of the people and their wants and necessities. If people generally had sufficient knowledge of the use of drugs in the treatment of cattle, and had evinced intelligence on that subject, then this Council would not have been driven to legislate on it. The necessity of legislation on the subject arises from the general ignorance of the population which requires to be taught in this respect and instructed by more skilful people. The same could not be said of physical education: it cannot be said that people do not appreciate its benefits, and are incapable of providing funds for that purpose, or are not possessed of sufficient opportunities: there are plenty of open spaces in mufassal Municipalities at no inconvenient distance. The necessity for legislation has not therefore been shown."

The Hon'ble MR. M. S. DAS said:—"The real question at issue between the Hon'ble Member in charge of the Bill and the Hon'ble Mover of the amendment, as far as I understand it, is whether it is the legitimate province of Municipalities to devote a portion of their funds to acquire open spaces for the purpose of promoting physical education. There is no difference, I understand, as to the meaning to be attached to squares and gardens. Squares are open spaces, and no particular legal knowledge or legal education is necessary to interpret the amendment. The real question is whether Municipal funds should be devoted to purposes of physical education. I think this ought not to be allowed, and my reasons for saying so are these. If the Hon'ble Mover of the amendment wishes to make provision for more physical education than is included in the clause for the establishment and maintenance of schools, I am sorry I cannot vote for him. Physical education is a thing which the people have now learned

to appreciate, and if it is the duty of Municipalities to promote physical education, it is much more the duty of parents to do so. Parents should be made to contribute towards the expense of keeping up institutions for the purpose of imparting physical education. Under the provision for the maintenance of schools this object is attained, to a certain extent, by fees which come from the pockets of parents; but, by this amendment, open spaces for the promotion of physical education are to be kept up entirely at the cost of Municipalities. For these reasons I shall vote against this amendment."

The Hon'ble MR. PRATT said:—"I think there is very little difference of opinion as to the desirability of empowering Municipalities to carry out the objects of the amendment, and I should not have troubled the Council with one word, were it not that I understand these objects are sufficiently provided for in the Bill. Physical education may be provided for by schools, aided and subsidized by Municipalities; and I consider also that clauses (*i*) and (*xiii*) cover the ground of the amendment, as the first mentions 'squares and gardens,' while the latter authorizes the expenditure of Municipal funds on 'other works of public utility calculated to promote the health, comfort or convenience of the inhabitants.'"

The Hon'ble MR. GRIMLEY said:—"The amendment proposes to make two additions to the objects on which Municipal funds may be legitimately expended, namely, the acquiring and keeping of open spaces and the promotion of physical education. They are both very desirable objects, and I strongly sympathise with the Hon'ble Mover of the amendment in his desire that means should be provided for the physical exercise and relaxation of the people; but it seems to me—and I have had some experience in considering and interpreting the provisions of the Bengal Municipal Act—that the first object is already included in clause (*i*), section 69 of the Bill under the words 'the construction, maintenance and improvement of squares.' In like manner physical education seems to fall under the head of schools. The necessity for physical exercise is recognised in connection with schools in the Central Provinces (the Hon'ble Mr. Glass will correct me, if I am wrong), where there are village schools in which physical exercises and drill (*kasrat* and *khawayat*) form part of the ordinary curriculum, and the sturdy appearance of the boys in such schools seems to justify the measure. But there appears

to me to be no necessity for a change in the law, as the object which is desired may be obtained by an order emanating from the Director of Public Instruction, changing the course prescribed for schools in Bengal, and if Municipalities choose to make provision for physical education in their schools, all that is necessary will be for the Commissioners to express their desire, by including the amount required in the Budget, and to satisfy the Commissioner of the Division that the increase is desirable. No more than that is necessary. I think the wording of the present law is quite sufficient for the purpose."

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR said:—"The real question before the Council is whether this amendment is included within clause (*xiii*) of section 69, which empowers Municipalities to spend money upon 'other works of public utility calculated to promote the health, comfort or convenience of the inhabitants.' If the objects contemplated by the Hon'ble Mover of the amendment are included in these words, or in the provision for the construction and maintenance of schools, then I have very little to urge. But the question is whether 'open spaces for the promotion of exercise and physical education' are so included? If they are included, then I, as Chairman of a Municipality, will undertake at the very next meeting of the Commissioners of that Municipality to have a Resolution passed for the acquisition of a plot of open land sufficient for the purpose, but the Commissioners of Municipalities apprehend that they are not so included. But taking into consideration the fact that taste for football and other manly games is now growing in the mufassal, and that friendly competition in manly games is carried on between the residents of different places, as also the fact that the acquisition of open spaces for this purpose in the vicinity of mufassal towns is not expensive, I think the amendment of my hon'ble friend, the mover of the amendment, ought to be accepted. What will be the expense of acquiring a few bighas of land in mufassal municipalities? They are not Calcutta, where the value of land is so very great. Take the case of any neighbouring Municipality; take even Howrah, Serampore, Hooghly. You can get plenty of land at such places at a very little cost. A few acres of land would not cost very much in such places, and the up-keep would not cost much. I submit, therefore, that this amendment ought to be accepted."

The Hon'ble MR. RISLEY said:—"I have a personal explanation to make. I find that a certain speech I made at the first meeting of the Society for the

higher training of young men, four years ago, as President of that Society, has been alluded to. I did say that the first thing to do was to get a good playground, but I put it that we must look for that to a 'benevolent founder,' and I said no word whatever about the expenditure of public money for the purpose."

The Hon'ble MR. A. M. BOSE in reply said:—"The first objection, which has been taken to this amendment, is that it has been brought forward too late. I submit that it has been, on the contrary, placed before the Council at the earliest period when it is possible for any Member, who was not on the Select Committee, to have done so. As this argument has been used frequently in the course of these proceedings by the Hon'ble Member in charge, I think I should point out that it has been held over and over again that on the occasion when a Bill is referred to a Select Committee, Hon'ble Members can only speak upon the principle of the Bill. Then if that is so, Hon'ble Members who are not on the Select Committee can only give notice of amendments and bring forward proposals when the Report of the Select Committee has been laid before the Council with the Bill, as recommended to be passed. We have heard in the course of these debates of disfranchising. But if the contention of the Hon'ble Member in charge of the Bill is correct, then it will disfranchise most of the Members of this Council, all in fact who are not Members of the Select Committee upon a Bill. But I submit with regard to this and other amendments which are before the Council, and also with regard to the constitutional rights of Hon'ble Members, that the contention of the Hon'ble Member is not tenable. This particular amendment, I may add, has been before the Council for the last three weeks. Passing on to the next argument of the Hon'ble Member that provision for the acquisition of open spaces is included in the clause relating to the construction, maintenance and improvement of gardens and squares, and with reference to other observations of a similar character which have fallen from some other Hon'ble Members, I venture to say that if that is so, there is no reason why we should wait for an expression of opinion from municipalities, and there is no substantial ground for the Hon'ble Member to oppose my motion. But if there is any room for doubt, I submit it is desirable and proper to remove that doubt by accepting the amendment. And there is ample room for doubt and more than doubt. It is perfectly true, as was observed by my hon'ble friend Mr. Das, that

[*Mr. Bose.*]

all squares are open spaces, but unfortunately the converse does not hold good, and it is not true that all open spaces are squares. I will give one or two instances. The other day I was at a mufassal station where I was shewn an extensive play-ground placed at the disposal of the public by the courtesy of the proprietor. That ground could not certainly be described as a square. I was told that the municipality could now acquire it on extremely easy terms, but that a few years hence it would be very costly to do so, and the probability is that it would be impossible. The same argument applies to the next objection that clause (*v*) regarding the establishment and maintenance of schools also includes provision for physical education. I think strong doubts may be entertained on that point; and in all probability, if any municipality were to expend money for the promotion of physical education under the authority of the clause which empowers it to provide for the establishment and maintenance of schools, the Commissioner of the Division would be down upon it for having gone beyond the powers given by law. I hope it will be perfectly clear that I am prepared to have this provision so included within the section, that it will come within the purview of the proviso, and the provision for physical education shall be placed on the same footing as that for the improvement of the breed of horses, asses and the like. I trust this arrangement will remove the doubts which my hon'ble friend Maulvi Muhammad Yusuf Khan Bahadur has felt in regard to this matter. Then with regard to the objection on the ground of a multiplicity of objects to which municipal funds may be devoted, it should be remembered that this particular provision is purely optional and permissive. All that you will do is to give the Commissioners the power to give effect to it, if at any time funds are available and they find it necessary or desirable to do so. It has been said by the Hon'ble Member in charge of the Bill that in the case of Bengal municipal towns there is not that necessity for open spaces which exists in regard to English towns; that they are not overcrowded and cooped up as many English towns are. That, I submit, is an argument in favour of accepting my amendment. Let us take steps early, at a time when the small means at the disposal of municipalities may be able to provide what is wanted and prevent difficulties arising hereafter. It would not be the part of statesmanship or wisdom to wait till municipal towns become cooped up and are placed in the position of the English towns to which the Hon'ble Member in charge of the Bill has referred. Now when

things can be easily done, if the object is a desirable one, let us enable municipalities to spend a portion of their funds to make provision for the open spaces which are really necessary and desirable, and let us take warning from the sad state into which many English towns have fallen."

The Hon'ble THE PRESIDENT said:—"Before putting this motion to the vote, I wish to say a few words. Various objections have been taken to this amendment, the first of which is that it has been brought forward too late and at a time when municipalities cannot be consulted. That would have been a formidable objection with regard to the passing of a measure upon a matter which had not been referred to municipalities, and with regard to which they are to be left no option. But inasmuch as the Hon'ble Mover of the amendment wishes to place this provision under the proviso so that it will be entirely optional with municipalities to adopt the project contemplated by the amendment. I think the question which they might otherwise previously have answered, they will answer by-and-bye according to their own wishes and desires. Therefore I think that the objection which has been taken to the amendment having been brought too late is really no objection. Then it is said, however laudable this object may be—and not a single Hon'ble Member has attempted to suggest that it is not a laudable and useful object—it has already been provided for. Of course if it has been already provided for, the Hon'ble Mover of the amendment would not think of pressing his motion. I think it has not been provided for in the Bill. It is said that it will come under clause (xiii) of the section, which provides for 'works of public utility calculated to promote the health, comfort or convenience of the inhabitants.' I think that the object the Hon'ble Member has in view will not be such a work as that contemplated under clause (xiii), which refers to works of a structural character, or things of that description. Then it is said it will come under clause (v), which provides for the establishment and maintenance of schools. There is no doubt that works for the promotion of physical education may be undertaken by schools, but what is contemplated by the amendment is the acquisition of open spaces for the benefit of the people living in the municipality who may not be schoolboys and may not attend schools; therefore the objects which are contemplated by this amendment do not fall within the scope of clause (v). Then there is a

[*The President.*]

more difficult question than those which I have been considering, and that is that under clause (i) power is given for the construction, maintenance and improvement of squares and gardens. No doubt under that clause municipalities can construct and maintain squares. It has also been said that municipalities may under this clause turn a square into a playground. I do not think that is the ordinary meaning of the word 'square.' I do not think it is the intention that people should use a square for the purpose of playing such a rough game as football or cricket. Squares are intended for the purpose of recreation and usually for every quiet people to congregate in and walk about, and not for the playing of games of this description. And then the object contemplated by the amendment, namely, 'the acquisition of open spaces and the promotion of physical education,' cannot be split up into two parts. What is meant is that open spaces might be kept for the promotion of physical education. The argument that the amendment might be split up into two parts and that those parts are provided for by individual clauses of section 69 is not in my opinion a correct view of the matter. We must therefore face the amendment as it stands, namely, to make provision for the acquisition of open pieces of land for the purposes of exercise and the promotion of physical education. A great many objects are covered by section 69, and I can see no possible objection to municipal funds being spent also in the way contemplated by the amendment, to the great advantage of people living in the municipality. In countries like France and Belgium municipalities provide for gardens and bands and all sorts of amusements for the people, and in this country are we not to spend money in providing open spaces for the promotion of physical health when we find that native boys are now taking a liking to manly sports and pastimes. The only reason that can possibly be urged against this amendment is that matters of this description do not come within the scope of the objects upon which municipal funds should be spent. I am plainly of opinion that they do. I think when you are providing for veterinary establishments for the benefit of the people so as to have their cattle looked after, I do not see why you cannot provide for the physical education of the people if you wish them to grow up a manly race, able to undergo fatigue and labour. I cannot conceive a higher object towards the accomplishment of which Municipal funds may be devoted. I have not heard a single word against the object of this amendment being a useful

and most laudable one. The Hon'ble Maulvi Muhammad Yusuf Khan Bahadur expressly said that it is a most laudable object, and yet, bearing that in mind, he takes a very narrow view, and contends that this amendment should not be allowed. The Hon'ble Member in charge of the Bill suggested that we should look to the liberality of private individuals for such things. Suppose you do; there will be no means for keeping up the liberal gift. If you obtain a boon from a charitably disposed person, you cannot spend even a few rupees to keep it up. Honb'le Members have heard from the Hon'ble Rai Eshan Chundra Mittra Bahadur that lands outside Calcutta are not so valuable that Municipalities will not be able to acquire a few acres. Therefore under all these circumstances, as far as I can judge, I think the Council should consider well before they disallow this amendment. As far as I am concerned, if the amendment is put to the vote, I shall vote in favour of it."

The Hon'ble MR. RISLEY said:—"In view of the law as expounded by the Hon'ble the President, I will accept the motion, provided it is passed as an additional clause (xiii), falling within the purview of the proviso to section 69."

The Motion was put and agreed to, on the understanding that the new clause should be numbered (*viii*), the remaining clauses of the section being altered accordingly, and that the new clause should be mentioned in the proviso to the new section 69(i).

The Hon'ble MR. A. M. BOSE applied to the Council to withdraw the motion of which he had given notice that in section 6, in the proviso to the new section 69 (1), for the words after 'both inclusive' to the end of the proviso, the following be substituted:—

'unless such application be sanctioned by the consent of two-thirds of the Commissioners present at a meeting specially convened for considering such application, or held after special notice has been given that such application will be considered at such meeting.'

He said:—"I am glad to find that the legal difficulty to which I had the honour of drawing the attention of the Council at its last sitting has been fully recognized; and in order to obviate the inconsistency in certain cases, which I pointed out, between the proviso as drafted by the Select Committee and the provisions of section 70 of the Act, an amendment is to be moved by my hon'ble friend, Babu Surendranath Banerjee, which will no doubt

be accepted by the Hon'ble Mr. Risley. There is one other remark I wish to make with regard to my amendment, and it is this. The position of affairs in respect of it at the present moment is materially different from what it was when I gave notice of it. At that time the proposed proviso related practically only to veterinary matters. But since then, on the motion of my hon'ble friend, Rai Eshan Chundra Mittra Bahadur and on my own motion, which the Council has been good enough just now to accept, such matters as libraries and the acquisition of open spaces have been brought within the scope of the proviso. Under these circumstances I do not think the proviso need be made stricter than it is at present in the Bill. I would therefore ask leave to withdraw my amendment."

The Motion was, by leave of the Council, withdrawn.

The Hon'ble Babu Guru Proshad Sen moved that in section 6, in the proviso to the new section 69 (1), the words "two-thirds" be substituted for "majority"; and also that in the same proviso the words "at a special meeting to be convened for the purpose" be substituted for the words "at the meeting."

He said:—"This simply comes to the same thing as the amendment which has just been withdrawn, only that in the place of 'majority' I would have 'two-thirds present at a special meeting.' I think the necessity for fettering the discretion given to the Municipal Commissioners has been admitted by this Council, by providing that certain expenditure shall not be made 'unless a majority of the Commissioners present at the meeting are satisfied that the other purposes, specified or referred to in this sub-section, or such of them as the majority consider it necessary to carry out, have been sufficiently provided for.' But the question is whether by this provision that discretion has been sufficiently fettered. If you give the Commissioners the fullest discretion, I would not object; but when notwithstanding all the fine talk we have heard regarding the expenditure under certain heads being left to the discretion of the Municipal Commissioners, we have by the Select Committee's Bill provided for fetters to that discretion, and when once you recognise the necessity of fettering their discretion just as by the provision which I have read, instead of a majority of one I would make it a majority of two-thirds, and instead of a vote being taken at an ordinary meeting, I would have a special meeting. Some of the money might have to be spent outside the municipality. A legal objection was taken by my hon'ble friend Mr. Bose that in order to do that

you require under section 70 a majority of two-thirds and the sanction of the Local Government. I think these are very necessary conditions, and that they are more necessary when you examine the state of the funds of mufassal municipalities. I have just stated that the utmost resources of 146 municipalities amount to Rs. 21,84,000, which gives an average of about Rs. 15,000 for each municipality. The expenditure under necessary heads, excluding education, absorbs almost the whole of this income, except about Rs. 10,000 or Rs. 12,000, not only to provide for education, but several other purposes. It is therefore absolutely necessary that the discretion of the Commissioners be used wisely. If the discretion is exercised wisely, probably all these clauses will be inoperative. But if the discretion is likely to be abused, it ought to be fettered more stringently than is provided for in the Bill. I submit therefore that to guard against abuse instead of measures of this kind being carried by a bare majority, there should be at least a majority of two-thirds of the members present at the meeting, and that that meeting ought to be a special meeting, so that the attention of the Commissioners may be specially drawn to the subject. Another reason for the necessity of fettering the discretion of the Commissioners in the way I propose is to be found in an amendment to be moved by my hon'ble friend Babu Surendranath Banerjee, under which the further restriction provided by section 70 is proposed to be removed in respect of expenditure incurred outside the municipalitity for certain objects. [The Hon'ble THE President:—"It is irregular to refer to a notice of motion which is not now before the Council."] Then I shall confine myself to my own motion, in connection with which I think the conditions imposed by section 70 ought to apply."

The Hon'ble MR. RISLEY said:—"I have only to say that I hope the Council will reject the amendments which have now been moved, and will accept the amendment which will be moved by the Hon'ble Babu Surendranath Banerjee, and which covers the ground better."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"Let us for a moment leave out the amendment of which I have given notice and consider the amendment to the proviso of section 69 which my hon'ble friend has moved. He says the majority under the proviso should be a majority of two-thirds, and that that should be the majority of the Commissioners voting at the meeting

[*Babu Surendranath Banerjee; Maulvi Muhammad Yusuf Khan Bahadur; Rai Eshan Chundra Mittra Bahadur.*]

in respect of expenditure, some of which may be incurred outside the limits of the municipalities concerned. But section 70 of the Act provides that when municipal expenditure is to be incurred outside the limits of a municipality, not a majority of two-thirds of the Commissioners attending the meeting, but two-thirds of the whole number of Commissioners must make a statement in writing in support of the proposal, and the recommendation must receive the sanction of the Local Government, and only under these conditions can any expenditure be legally incurred outside any municipality. A part of the expenditure which may be incurred under section 69 may be outside the municipality; therefore under the amendment of my hon'ble friend, the Commissioners will labour under a legal difficulty which the amendment which I propose to move later on will remove. But over and above this legal objection I have another objection based on practical considerations. Does my hon'ble friend really believe in his heart of hearts that if a majority of two-thirds is imposed this section will be at all operative? Moreover, the amendment will re-open matters which have already been discussed and decided. If my friend's amendment be accepted, the veterinary clauses will be rendered inoperative. I have not the slightest objection to introduce the necessary safeguards, but we should not fetter the discretion of the Commissioners so as to render it impossible for them to devote municipal funds to these purposes."

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR said:—"I think this amendment should not be accepted. The obvious tendency of the amendment is to render those clauses of the section to which the proviso relates, more difficult of operation, if not absolutely impossible and nugatory. Several amendments have been accepted by the Council, on the ground of their importance, although their importance, being only secondary in degree, as compared with other objects, they have been thrown into the proviso: but it is quite clear that the proviso should not be so clogged and hampered by the introduction of conditions, as to render the clauses a dead-letter. The proviso should not, therefore, be made more stringent than it is."

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR said:—"I wish to oppose the amendment which has been moved by my hon'ble friend Babu Guru Proshad Sen. It appears to me that, if we require the votes of a majority of two-thirds

of the Commissioners at a meeting, it will render these provisions absolutely inoperative. I have some experience in the working of Municipalities, and I know that, in the first place, it is difficult to get a very large number of the Commissioners to attend. We have had bitter experience of the way in which things are managed, when some particular questions are to be brought up; some will not attend, and others have an undignified way of reserving their votes. It will always be within the power of particular Commissioners, who wish to be obstructive, simply to say—we will not attend and we will not vote; I submit, therefore, that this amendment should not be passed. If the sense of the Council be that these matters should be considered at a special meeting, in order that the Commissioners may receive special notice of the importance of the subject, I have no objection, but the votes of a majority of two-thirds should not be required."

The Hon'ble BABU GURU PROSHAD SEN in reply said:—"This amendment consists of two parts, one of which has reference to a majority of two-thirds, and the other, to the convening of a special meeting for the consideration of these matters. My hon'ble friend who spoke last agrees that special notice should be given of these meetings, but with respect to the question of majority, both he and my hon'ble friend Babu Surendranath Banerjee seem to think that, if a majority of two-thirds is required, these provisions will be wholly inoperative, and that section 70 insists on an impossibility. That section 70 of the Municipal Act is the work of that Select Committee of all the talents, for which we have the greatest amount of admiration here. [The Hon'ble MR. RISLEY:—"Not at all, it was in the original Bill of 1884."] Well, then, it was one of the sections, the impossibility of which they did not see. Then my hon'ble friend Babu Surendranath Banerjee sees a motive. He seems to think that I have moved this amendment in order to prevent the veterinary clauses from being operative. [The Hon'ble THE PRESIDENT:—"No: the Hon'ble Member said the effect of the amendment would be to render those clauses inoperative."] Well, I shall say then that the effect of passing these amendments according to the Hon'ble Babu Surendranath Banerjee would be the amendment regarding the veterinary clauses having been lost: if the present amendment were to be passed, the application of Municipal funds to veterinary purposes would be rendered impossible, and thus the veterinary clauses would be inoperative. I did not know that he was so fond of these veterinary clauses, but I shall tell him once more what I have told

before, that it is not the fetter which I seek to impose, but the scanty nature of the Municipal revenues, which will render the application of any money out of that fund to these purposes impossible. The total amount of Municipal revenue proper is Rs. 21,84,000 for 146 Municipalities, and the expenditure under those heads, to which there is no option left, is Rs. 21,72,000, excluding public instruction (I like to be corrected if I am wrong); therefore there will be no money to spend, and the clauses, if the discretion, which we now leave to the Municipal Commissioners, is not to be abused, but rightly used, are bound to be inoperative, and they will remain as dead-letters in our law, and all the time the Council has spent in providing for a class of expenditure which cannot be met from the scanty revenues of Municipalities has been spent in vain. It is all very good to hear of Municipal Commissioners being vested with discretion, but at the same time you do not leave them unfettered. It is true that the effect of my amendment is to make the fetters a little stronger. I say do not allow them the opportunity of abusing their discretion, and therefore I say do not leave the decision to a bare majority of one or two, but to a majority of two-thirds. It has been pointed out that, for expenditure outside Municipalities, a majority of two-thirds of the whole number of Commissioners, plus the sanction of the Government, is required under section 70. If that suits my hon'ble friends better, I will not have the slightest objection."

The Motions were severally put and lost.

The Hon'ble Mr. A. M. Bose moved that in section 6 —

(*i*) the proposed new section 69B be omitted, and

(*ii*) for the first paragraph of the proposed new section 69A (*1*) the following be substituted:—

'Subject to such rules as the Local Government may from time to time prescribe, the Commissioners shall cause to be kept, for each hospital and dispensary vested in them, accounts showing—'

He said:—"Except for one small consideration, which I shall presently notice and for which my amendment provides, I find it difficult to understand why the Select Committee thought it necessary to propose this new section (69B). With regard to the proposed provision empowering the Local Government to make rules prescribing the qualifications of candidates for employment as veterinary practitioners, my first point is that it is wholly unne-

cessary. If we refer to section 69 as it stands, and as it is proposed to re-enact it, we find the following words 'and may, except as is otherwise provided in this Act and subject to such rules and restrictions as the Local Government may from time to time prescribe, apply the Municipal fund to any of the following purposes,' one of which is the training and employment of female medical practitioners and of veterinary practitioners, &c. Therefore the power to make rules prescribing the qualifications needed is there provided for, and the proposed new section 69B is unnecessary. My second point is that it is more than unnecessary, because it presupposes the existence of doubts. [The Hon'ble THE PRESIDENT :—" It is under my advice that this section has been put in to make matters safer. "] My reason for moving the omission of section 69B is this, that it will by implication throw doubt on the construction of section 69 and on the exercise of powers which are now exercised by the Local Government. Let me give a concrete case. Under the present law the entire section 69 is governed by the clause 'subject to such rules and restrictions as the Local Government may from time to time prescribe.' In the Manual for the management and maintenance of dispensaries, it is stated that it is under this provision that the Local Government makes rules as to the qualifications of the Doctors to be employed, and so forth; and if that provision is sufficient for this purpose, then it is also enough for the purpose of defining the qualifications of veterinary practitioners. It applies as much to clause (*iv*) regarding the establishment and maintenance of hospitals and dispensaries, as to clause (*x*) regarding the appointment of qualified persons to prevent and treat diseases of cattle. Therefore, by enacting section 69B, which specially refers to clause (X) of section 69, doubt will be thrown by implication upon the power which the Government at present possess of laying down the qualifications of persons to be appointed as doctors, &c. This provision should therefore, I submit, be either omitted or extended in scope. Then coming to the next part of the new section 69B, 'generally for the guidance of the Commissioners in all matters connected with the carrying out of the purposes of section 69,' that also is, I submit, provided for in the saving and regulating clause of section 69, not simply as a matter of theory, but as a matter of practice, and not the slightest complaint has been made that the Lieutenant-Governor is exceeding his powers. Why then still further extend those powers as now proposed? The

[*Mr. Bose; Mr. Risley; the President; Babu Surendranath Banerjee.*]

only reason I can understand for the introduction of section 69B arises from its referring, not only to section 69, but also to section 69A, which provides for the keeping of separate accounts of hospitals and dispensaries vested in the Commissioners. The governing clause of section 69, while it will sufficiently apply to the making of rules for the establishment and maintenance of dispensaries for veterinary matters, will not apply to the hospitals and dispensaries mentioned in section 69A. Therefore in the second part of my amendment I propose to put in the new section 69A the words which now exist in section 69, and thereby extend them to the matters mentioned in section 69A. If I have been able to make myself clear, I submit that there is no necessity for anything like section 69B by way of safeguard, and moreover it may lead to a doubtful interpretation, and to a result just the reverse of that which is wanted. This amendment raises no question of principle, but only refers to the proper way of laying down what we all want to provide."

The Hon'ble MR. RISLEY said:—"I have only to say that this is what may be called a lawyer's question. It was pressed upon me by the learned Assistant Secretary to the Legislative Department, who is an extremely accomplished and experienced drafter, that something of this kind is necessary to make clear the power which the Government has of making rules, and on this point the learned Advocate-General, who is the highest legal adviser of the Government, has concurred with the Assistant Secretary and has taken the same view of the matter."

The Hon'ble THE PRESIDENT said:—"I think the new section 69B very necessary, and I approve of it. I do not propose to discuss a legal question here."

The Motion was put and lost.

The Hon'ble BABU SURENDRANATH BANERJEE moved that for section 7 of the Bill the following be substituted:—

"7 (1) For the words 'the last preceding section' in section 70, the words and figures 'section 69, sub-section (1)' shall be substituted.

"(2) To the said section 70, the following shall be added, namely:—

'Notwithstanding anything in this section, the Municipal Fund may be applied, by the vote of the majority referred to in the proviso to section 69, sub-section (1), and without the

consent and sanction mentioned in this section, to meeting expenses incurred beyond the limits of the Municipality in the training of female medical practitioners, or of veterinary practitioners.' "

He said:—"This amendment is divided into two parts: section 70 deals with the expenditure of money outside the limits of Municipalities, and in such cases the section requires 'the consent of two-thirds of the Commissioners obtained in writing and the sanction of the Local Government to such expenditure.' Two sub-sections have been added to section 69, which do not in the smallest degree refer to the expenditure of Municipal money outside Municipal limits. Sub-section (2) of section 69 provides as follows:—

'(2) The Municipal Fund shall also be applicable to the payment, at such rates as the Local Government may from time to time direct, of travelling expenses incurred by any of the Commissioners in attending meetings convened under the rules made by the Local Government in pursuance of sub-section (4) of section 1 of the Indian Councils Act, 1892, for the purpose of recommending a person to be nominated as a member of the Lieutenant-Governor's Council.'

"It is very obvious that the money to be spent under this clause will be spent within the limits of the Municipality; therefore it cannot come within the purview of section 70, which deals with the expenditure of money outside Municipal limits. Further, sub-section (3) of section 69 is of wider application, and empowers the Commissioner to do all things not inconsistent with the Act which may be necessary be carry out the purposes of the section. I have also to point out that the words 'last preceding section' in section 70 may now be held to apply to section 69B, which has nothing to do with the subject-matter of section 70. As the Hon'ble Mr. Bose observed with great force, the new proviso to section 69 of the Bill is in conflict with the provisions of section 70 of the Act. The object of my amendment is to remove this legal defect, while maintaining the necessary safeguards imposed by the proviso. But at the same time I think it will occur to most people, that when a Municipality desires to spend a few rupees a month on such paltry objects as the training of female doctors, or the training of veterinary students at Belgachia, they ought to be allowed to do so without the elaborate formalities provided by section 70, namely, the consent of two-thirds of the whole body of Commissioners obtained in writing, such consent being afterwards ratified by the Local Government. That seems to me to be a waste of administrative energy. Therefore, having regard to the changes which have been introduced in the proviso to section 69,

this seems to me to be a necessary amendment. For the more important purposes involving expenditure outside the limits of Municipalities, such as the establishment of hospitals, &c., beyond Municipal limits, the elaborate safeguards provided by section 70 will be operative. The object of my amendment is to cure a defect in the law, which was referred to by my hon'ble friend Mr. Bose, and also to promote the purposes of administrative convenience."

The Hon'ble MR. RISLEY said :—"I accept this amendment. When the question as to the provisions of section 70 was raised in Council the other day, I did not reply to what was then said. I was not prepared on the spur of the moment to pronounce on a question, the solution of which is by no means easy. We have now what seems to me to be a satisfactory section, but it was not the work of two minutes. It seems unnecessary that these small items of scholarships and the like should come within the purview of section 70, which was intended to apply to the cases of large payments made to other Municipalities by way of contributions to important works of drainage and the like in which both the Municipalities are interested."

The Hon'ble MR. A. M. BOSE said :—"I rise to make one suggestion, namely, that the words 'the proviso to' in the second line of the second part of my hon'ble friend's amendment be omitted, and my reason for doing so is this. In section 69 there are two majorities referred to—one in the opening part of section 69 (1) for the application of Municipal funds to the purposes described, in which the votes of a majority will be necessary, and in addition to that a second majority is required in regard to the clauses specially mentioned in the proviso. If the amendment proposed by my hon'ble friend, Babu Surendranath Banerjee, is accepted as it is now drafted, then the necessity for a two-thirds majority and the sanction of the Local Government, which section 70 requires will be obviated only in the case of a division under the proviso. But that will not obviate the necessity for a majority of two-thirds under section 70 in regard to the second or other division which will be required for the grant of any help in training female and veterinary practitioners. The amendment only refers to the majority mentioned in the proviso. It does not refer to the majority which is necessary under section 69 itself. The acceptance of my suggestion will, on the other hand, meet the whole difficulty."

The Hon'ble MR. RISLEY said :—"I would advise the Council to accept the amendment of the Hon'ble Babu Surendranath Banerjee, and leave the difficulties referred to by the Hon'ble Mr. Bose to be considered before the Bill is finally passed."

The Motion was put and agreed to.

The Hon'ble Mr. A. M. Bose moved that, in sub-section (*1*) of section 8 of the Bill, for the words and figures "in section 142" be substituted the words and figures "in section 131 and section 142."

He said :—"The expression 'habitually used' is a very vague expression. It has formed the subject-matter of a reference to the High Court, where the interpretation has been not only narrowed, but left about as uncertain as before. The Select Committee propose to remove that uncertainty in regard to section 142. But the substantive portion of section 142 of the Municipal Act has been copied from section 131, with this difference that section 142 applies to taxation in the case of carts, and section 131 relates to the imposition of a tax upon the use of carriages and horses which are kept or 'habitually used' within the Municipality. The one is as vague as the other, and therefore to avoid a further reference to the High Court, I have brought forward this amendment."

The Hon'ble MR. RISLEY said:—"I accept this amendment. A reference to the judgment of the High Court supports the Select Committee in the interpretation they have put upon the word 'habitually.' The High Court decided in the case which was referred to them, that a cart cannot be said to be habitually used, unless it is used in pursuance of the owner's occupation."

The Motion was put and agreed to.

The Hon'ble MR. A. M. BOSE also moved that the following words be added at the end of sub-section (*1*) of section 8:—

"and after the words 'or habitually used within,' in those sections, the words 'the Municipality' shall be added."

He said:—"I have often considered the wording of this section and have been puzzled. It is a mere question of drafting. Section 142 provides that

'the Commissioners at a meeting may make and publish an order that every cart which is kept or habitually used within, or which is let for hire within or without the Municipality and habitually used within it, shall be registered, &c.' My difficulty comes in after the word 'within.' What is it that 'within' governs? Does it govern the word 'Municipality' in the next clause? If so, it means 'which is kept or habitually used within the Municipality and habitually used within it.' That would bear no meaning. Putting in the word I suggest after 'within' would remove the difficulty. I therefore propose this amendment."

The Hon'ble MR. RISLEY said:—"I have not the slightest objection to this amendment, but I am not prepared to say that it is necessary. I am told that the section as it stands is good legal grammar."

The Motion was, by leave of the Council, withdrawn.

The Hon'ble MR. A. M. BOSE also moved, that after sub-section (*2*) of section 8, the following be inserted—

"(3) To section 147A the following shall be added, namely:—

'When carts not kept within any Municipality or Cantonment are so used in more than one of them, on the application of any one of such Municipalities or Cantonments, the Local Government may apportion the amount of registration fee between them.'"

He said:—"Section 147A contains a very salutary provision which protects carters from having to pay fees to more than one Municipality. My amendment does not affect the carters at all. They are not to be required to pay more than one tax, but it is a question which relates to the different Municipalities, the roads of which are used by these carts; it is extremely desirable that the difficulty which is now experienced between these Municipalities in regard to the collection of the cart registration fee should be removed. One concrete case will perhaps illustrate the necessity for my amendment, better than any amount of abstract exposition as to the difficulty which the amendment is intended to remove. There are two Municipalities, the circumstances of both of which I happen to know. I shall call them A and B. A large number of carts which are kept in rural areas pass through Municipality A, using a short extent of its road; they do not stop there or transact any business there. Then they enter Municipality B, passing through several miles of its roads. Some

of them come on to Calcutta, but a great many of them stop at B and transact business there. There are two Railway Stations in B, and a large jute business is also transacted there. But it so happens that the carts having to enter A in the first instance, the tax is realized there and B gets no portion of it. That does not seem to be fair or just. But that is not all, for this state of things sometimes leads to Municipal demoralisation; before the date of cart registration comes on, there is a regular system of coaxing going on, and even worse than that—it may lead to what may be called a war of tariffs between different Municipalities. The rates for cart registration are not subject to the sanction of the Commissioner of the Division, but are entirely within the discretion of Municipalities, and there will be a temptation or competition amongst neighbouring Municipalities to fix the rates, irrespective of the merits of the case, so as to induce as many carts as possible to be registered within their limits. Therefore I submit there should be a power vested in the Local Government, if it thinks fit, on the application of any Municipality, to apportion the proceeds of the taxation upon carts between the several Municipalities entitled to them. In section 96 of the Calcutta Municipal Consolidation Act there is such a provision. It is there provided that the not proceeds of the tax shall be divided between the Municipalities of Calcutta and Howrah, and such other Municipalities adjacent to Calcutta or Howrah as the Local Government shall declare to be entitled to a share in the receipts. Therefore what I propose is not a novel procedure. In the Calcutta Act the Local Government *shall* apportion. My proposal does not go so far. All I ask is that the Local Government may, if it think it necessary in any case, apportion the fees which have been realized between the several Municipalities in order to prevent injustice to the Municipalities, harassment to the carters, and the other evils to which I have referred."

The Hon'ble MR. RISLEY said:—" I sympathise strongly with the principle of this amendment. The only difficulty is how we shall give effect to it. The precedent which has been quoted from section 96 of the Calcutta Act is one way parallel and in another way it is not. Under that section we do declare that certain municipalities are entitled to certain fractions of these fees; but there all the fees are collected by one municipality, the municipality of Calcutta, and put into a separate fund, so that there is something tangible to divide. But here the carts do not all pay to one municipality, and there is

great confusion, as they pay fees sometimes in one municipality and sometimes in another, and I do not see how we are to apportion a lot of individual fees which are paid here, there and everywhere, at different places at different times. It seems to me to be an impossible state of things. Then I have another objection to the amendment of a technical character. I believe it is the case that this Council is not entitled to introduce into this Bill any provision relating to Military Cantonments, the municipal affairs of which are governed by an Act of the Imperial Council of the year 1889. Every one admits that the difficulty which the Hon'ble Member has pointed out does exist, and I am very much afraid that in certain cases it leads to unhappy controversies between neighbouring municipalities regarding the payment of two or three rupees by way of registration fees, and it possibly also does lead to some oppression on carters. As I have already said, I fear a proper solution of the difficulty is impracticable, and the Government would have the trouble of deciding upon separate applications each claiming the fees paid by individual carters, and there might be two or three hundred such applications to decide upon. The Government would in such cases decline to pass any order, and the municipalities would be left to their own resources. The only solution I can suggest is one of two arbitrary ways. Either the fees may be apportioned with reference to the expenditure upon the repair of roads in each municipality, an apportionment which might be left to the Commissioners of Divisions. Or you might be more arbitrary and say that the fees shall be divided equally between all the municipalities concerned in which carts have been registered. I am not prepared to say which of these methods is the best, but I am quite certain that the amendment as it stands will not answer."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"I am afraid that whichever of the two ways of solving the difficulty suggested by the Hon'ble Member in charge of the Bill is adopted, great injustice will be done to some municipalities. Take the case of the Baidyabatty Municipality. It is opposite the North Barrackpore Municipality with which I happen to be connected. A large portion of the income of that municipality is derived from fees for the registration of carts. They get about Rs. 6,000 a year from cart registration out of a total revenue of about Rs. 18,000. They have a great *hât* held there twice a week, and if it were not for that *hât*,

carters would not go there. A town which has a *hât* of that description to which a large number of carts resort is legitimately entitled to the fees for the registration of those carts. But if you adopt a rule such as that proposed by the Hon'ble Member in charge of the Bill, I think a municipality like Baidyabatty would have cause to complain. I confess that the question is attended with serious difficulties, and therefore the Legislature for years together refused to define the word 'habitual.' The question came up before the Select Committee of 1894, and they set their faces against defining the word; they thought it would be best not to attempt a definition. We have attempted a definition this time, and I think we should stop at that point. If further difficulties arise, they might be dealt with later on. It may be that our inaction may lead to hardship and perhaps injustice, but I do not know that it is possible by any act of the Legislature to deal with the matter so as to do justice to all interests concerned. Our efforts in this Council really produce very little results. I am therefore inclined to leave things alone. 'Sufficient unto the day is the evil thereof' is a maxim which the practical administrator may sometimes conveniently adopt."

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR said:—"I do not agree with the Hon'ble Member who has just spoken, though I admit that this is a matter of great difficulty. In the Hooghly Municipality there is a *hât* from which the Municipality derives an income of Rs. 2,000. In going to that *hât* carts travel through roads in different municipalities and sometimes also through the Grand Trunk road. It is difficult to adjust on what principle cart-fees are be to apportioned in such a case, and there is constant contention between the employés of neighbouring municipalities. Between the municipalities of Serampore and Bansberriah, a distance of 14 miles, there are several municipalities, with intervening distances of two or three miles. Several carts come to the *hât* or bazar in the Hooghly Municipality, and the roads within it are to a certain extent used by such carts. Under section 142 of the Municipal Act the Bansberriah Municipality imposed a fee of Re. 1-8, and all the carts got themselves registered there. The Municipal Commissioners referred the matter to the Commissioner of the Division, and he declined to sanction the budget of that municipality unless they raised the fee to Rs. 2, and thus the matter was set at rest. The officers of the several municipalities try to seize the carts as early as they can, and there is an unhealthy competition which should be

put a stop to. Although the task is a very difficult one, still some attempt should be made to divide the proceeds of cart-fees in such a way as to meet the requirements of the several municipalities. Some attempt should at any rate be made to prevent the unhealthy competition which is now going on."

The Hon'ble MR. A. M. BOSE in reply said:—The Hon'ble Member in charge of the Bill has been good enough to express his great sympathy with this amendment, and to admit the hardship and the difficulties which result under the existing law. I would appeal to him to carry his sympathy a little further and accept my proposal. All that my amendment asks is that power may be left in the hands of the Government to take up the matter and apportion the proceeds of cart-fees if they think there is a practical difficulty which ought to be dealt with by the Government. If they think that in certain cases it will be best to leave matters alone, they will do so. If in other cases they find difficulties of serious proportions, and that there is a way in which these can be met, they will exercise the power which my amendment proposes to confer on them and remove those difficulties. I may point out that it is altogether premature to discuss at this stage what particular solution it would be best to apply in any particular case. That would depend upon the nature of the case itself. Therefore I hope there will be no objection to the acceptance of the amendment. I have no objection to the omission of the reference to Cantonments, as there is the technical difficulty to which the Hon'ble Member has referred. My only reason for putting in the word Cantonment was that it occurs in the section of the present Act to which my amendment proposes an addition."

The Motion was then put and agreed to in the following amended form:—

"(3) To section 147A, the following shall be added, namely:—

'When carts not kept within any municipality are so used in more than one municipality, the Local Government, on the application of the Commissioners of any such municipality, may, if it thinks fit, apportion between all such municipalities the registration fees paid under this Act in respect of such carts.'"

The Council adjourned to Saturday, the 22nd instant.

CALCUTTA;
The 14th September, 1896.

F. G. WIGLEY,
Offg. Assistant Secretary to the Govt. of Bengal,
Legislative Department.

Reg. No. 547G—300—17-9-96.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met at the Council Chamber on Saturday, the 22nd August, 1896.

Present:

The Hon'ble SIR CHARLES PAUL, K.C.I.E., Advocate-General, *presiding*.
The Hon'ble W. H. GRIMLEY.
The Hon'ble J. PRATT.
The Hon'ble C. W. BOLTON.
The Hon'ble H. H. RISLEY, C.I.E.
The Hon'ble M. FINUCANE.
The Hon'ble J. G. H. GLASS, C.I.E.
The Hon'ble RAI DURGA GATI BANERJEA BAHADUR, C.I.E.
The Hon'ble NAWAB SYUD AMEER HOSSEIN, C.I.E.
The Hon'ble SURENDRANATH BANERJEE.
The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR.
The Hon'ble A. M. BOSE.
The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR.
The Hon'ble GURU PROSHAD SEN.
The Hon'ble W. B. GLADSTONE.
The Hon'ble A. H. WALLIS.

INSANITARY CONDITION OF GARDEN REACH WARDS.

The Hon'ble MR. GLADSTONE asked—

Has the attention of the Government been drawn to the dangerously insanitary condition of the Garden Reach Wards of the South Suburban Municipality, and in particular to the almost impassable condition of the Garden Reach Road which connects an important district of the Suburbs with Calcutta? Will the Government be pleased to state what steps it is proposed to take to compel this Municipality to discharge its ordinary duties in respect of these Wards?

[*Mr. Risley.*]

The Hon'ble MR. RISLEY replied:—

"The attention of Government was called to the insanitary condition of the bastis in the Garden Reach Wards of the South Suburban Municipality in 1894 by a report in which Surgeon-Lieutenant-Colonel Dutt, then Civil Surgeon of the 24-Parganas, described them as 'wanting in the very rudimentary conditions of health,' and complained that the Municipal Commissioners 'could not be roused to make any serious efforts to improve the condition of these bastis.' Since then repeated attempts have been made to induce the Commissioners to improve the sanitary arrangements of Garden Reach, but the Magistrate states that little has been done, and that the conservancy of the locality is still carried on by a Contractor under a system which the Commissioners have admitted to be unsatisfactory. Some drains have been cleared and levelled, and the streets are said to be better swept; but as there is only one Overseer for the whole Municipality, covering an area of over thirty square miles, and the conservancy staff in Garden Reach consists of two sweepers and six coolies with three conservancy carts, no real improvement can be looked for. The Commissioners have admitted that the Municipality is too large and scattered for efficient management and have applied to Government to subdivide it. Orders will be passed on their application as soon as certain inquiries have been completed.

"The Garden Reach Road has been much neglected for many years, and is now in a very bad state. An officer of the Public Works Department has been deputed to report upon it, and as soon as his report is received, the Lieutenant-Governor will consider whether an order should not be passed under section 64 of the Municipal Act requiring the Commissioners to repair the road within a fixed time, failing which the work will be done by the Magistrate and the cost recovered from the Municipal Fund."

BENGAL MUNICIPAL ACT, 1884, AMENDMENT BILL.

The Hon'ble MR. RISLEY moved that the consideration of the Bill to further amend the Bengal Municipal Act, 1884, be resumed.

The Motion was put and agreed to.

[*Mr. Bose ; Mr. Risley.*]

The Hon'ble MR. A. M. BOSE moved that after section 8 of the Bill, the following be inserted:—

"8A. After section 141A, the following shall be inserted, namely:—

'141B. A carriage, horse or other animal shall be deemed to be used in the ordinary course of business, within the meaning of section 131, if it is used, on an average, twice a week.'"

He said:—"I may explain that the Council has already amended section 131, so as to substitute for the words 'habitually used' which were in that section, the words 'used in the ordinary course of business.' That being so, it becomes necessary to define these latter words, so as to prevent ambiguity and indefiniteness; and in fact this is exactly what has been done in regard to the use of these words in the section relating to carts. I therefore propose that what has been done in the one case be also adopted in the other. In fact, the amendment I now propose, necessarily follows in principle the alteration in section 131, which has already met with the approval of the Council."

The Hon'ble MR. RISLEY said:—"It does appear at first sight that the amendment now proposed is the logical sequence of the amendment, which was introduced in a similar section relating to the registration of carts, but I am disposed to think that it is really not parallel, and that it would be dangerous to act on the assumption that the two sections should be dealt with in precisely the same manner. To make this clear, I must refer to the amendment in the section relating to the registration of carts (section 142). That section is based upon, and is justified by, what is known as the Chanduria cart case, a place which is a small municipal town in Khulna. It has lived to the twelfth year of its existence on the revenue derived from the registration of carts, and in fact has no other income worth speaking of. Certain orders of the High Court had the effect of killing the municipality, and it is now dead. Certain carters, who resided outside the municipality and kept their carts outside the municipality, used their carts within the municipality regularly during two days in the week (Wednesdays and Sundays) for the purpose of attending a very large *hât* held there, and the chief staple of trade in that *hât* was date sugar. It was alleged that over 700 carts went to the *hât* regularly on those two days of the week, and of course cut up the roads to pieces. The particular case to which I referred was against certain carters who were prosecuted for not taking out a license from that

municipality. The Deputy Magistrate held that those carts did not fall within the purview of section 142, and then the Chairman of the Municipality set Mr. Monmohan Ghose in motion, and he applied to the High Court for a decision in the matter. The High Court said it was not authorised to interfere in cases of acquittal, except upon application made by the Local Government, and they referred to the Dinapore case, which was referred to at the last meeting of the Council, as a case which would be of use in any application which might be made to the Government. Application was accordingly made to the Government to order the institution of an appeal against the decision of the Deputy Magistrate. An order was issued, and the case went to the High Court, who, in their judgment interpreted the words 'habitually used' to mean practically 'in the ordinary course of business.' In the amendment which has been introduced in section 142, we have gone a good deal beyond the principle laid down in this judgment; we extend the law and no doubt we make it more stringent, but as far as carts distinguished from carriages are concerned, the Select Committee held that we are justified in what we have done on certain grounds—*firstly*, by the great damage which carts, with their narrow tires and wide axles and heavy loads, do to the roads which they pass over, particularly to municipal roads in the mufassal, which are made of brick metal and not of stone; *secondly*, by the fact that carts, which are not kept within a municipality, are brought in on particular days for purposes of profit arising out of operations connected with the arrangements of the municipality; *thirdly*, and this is important, that the carts used in this way are used regularly. As the Chairman of one municipality very forcibly said, in most municipalities to which the section applies, *hât* days are well known days, and these carts come in regularly on those days; they do not come in casually—sometimes on one day and sometimes on another; moreover, the fact of the days being regular and known to everybody beforehand, renders it possible to have some systematic check over the number of times on which a cart is used, and a municipal officer may be deputed regularly or occasionally to take stock of the number of carts and the number of times each cart makes its appearance, and whether they have municipal tickets or not. Applying these rules to the case of carriages, it will be seen that none of them can be applied to carriages and not even to hackney carriages. Carriages do not do anything like the special damage to roads that carts do;

they are not exclusively or mainly used in connection with any arrangements which would give the municipality a claim to license fees from carriages; and *fourthly*, they are used casually and not regularly. You cannot say that carriages use the roads of the municipality on two or three days of the week and on no other days, as you can in the case of carts. I submit, therefore, that the cases are not parallel; and I further submit that if they are treated as parallel cases, and practical application is given to it in the case of carriages, it will operate with great inconvenience both to natives and to Europeans. Take a case which occurs to me at once, and has practical application to the impecunious South Suburban Municipality—the case of a native gentleman who lives in Calcutta, and who has a garden house within that municipality. There are a good many garden houses there. Suppose this gentleman goes twice a week to his garden house in that municipality for a *nach* or other amusement, would it not be hard that he should be pounced upon by the municipality and compelled to pay a carriage-tax when he has already paid it in Calcutta? This is a typical case in regard to native gentlemen. Then, as regards European gentlemen, there is a certain club in Tollygunge; suppose a gentleman goes there twice a week in pursuit of physical education, would it not be hard that he should pay a second carriage-tax? The cases which I have instanced are not, I think, cases in which it can be said that the carriages are used in the 'ordinary course of business.' You will introduce enormous difficulties; you will not be able to distinguish between carriages used for business and carriges used for pleasure, and I think we can safely venture to say that the rule which has been accepted for carts will not be applicable to carriages. It would not be safe to apply the same rule to both. There is a provision in the Act that no cart shall pay more than one registration fee, and possibly there should be a similar provision for carriages. Either you must sweep away the registration fee in Calcutta, or the South Suburban Municipality will be unable to obtain fees within their area. Two fees there cannot be."

The Hon'ble Mr. A. M. Bose in reply said:—"I confess I have heard with some little surprise the arguments which have been used in regard to this amendment, possibly owing to my not having been able to follow the Hon'ble Member, and also perhaps because I thought this amendment so much a matter of course that in moving it I did not think it necessary to take up the time of

the Council. But I wish to point out now that no portion of the speech of the Hon'ble Member in charge of the Bill is applicable to the present amendment, which simply seeks to define and make intelligible what we mean by certain terms which we have already adopted in regard to carriages. This is the history of the matter. There came before the Council a proposal from the Select Committee that in section 142 of the present Act the words 'habitually used' should be struck out, and the words 'used in the ordinary course of business' be substituted for them. The phrase 'habitually used' is vague and undefined, and incapable of proper construction, and one of the fundamental requirements of legislation is that those affected by it ought to be in a position to understand with certainty what the law means and what their liabilities and obligations under it are. On those grounds the words 'habitually used' were struck out. Then I pointed out that the same words were used in section 131, which relates to carriages, and that if the words 'habitually used' are so difficult of definition, then it is desirable that they should be struck out of section 131 also. That suggestion was adopted, and the Council has acted upon it. The speech which the Hon'ble Member in charge of the Bill has now delivered might have been delivered in regard to that amendment. However, those words have been struck out, and therefore, in section 131, which relates to carriages, the words we find in the Bill are 'kept or used in the ordinary course of business.' Now what is the meaning of the expression 'used in the ordinary course of business'? It has already been defined by this Council, in accordance with the suggestion of the Select Committee that it should mean 'used on an average twice a week.' But that definition occurs not among the general definitions of the Act, but in the Chapter under the special head of 'registration of carts.' If that definition had occurred, as in the new drafting of a Bill it would naturally have occurred, at the beginning of the Act, there would have been no necessity for a further amendment, because the definition would be applicable wherever the words 'used in the ordinary course of business' occurred in the Act. But owing to the way in which the Council has proceeded, the definition which has been accepted occurs, as I have pointed out, in the Chapter of the Act headed 'On the Registration of Carts.' Therefore, I submit, it is absolutely necessary that that definition should be repeated in connection with section 131, where the words 'used in the ordinary course of business' also occur. If you do not do so, what will be the position of affairs? In order to

do away with the uncertainty and vagueness which attach to the words 'habitually used' in section 131, the Council has substituted certain other words, namely, 'used in the ordinary course of business,' and is it not necessary to define what we mean by using those words there? Is our mind, in regard to the application of these terms, the same as in regard to the definition of that term in section 147, or is it different? I fail to understand that there can be any objection to defining the term. The Hon'ble Member has referred to certain cases and difficulties which members of the public may be put to. For my own part, I would prefer to know whether I am in the clutches of the law or not; what it is the Legislature mean by saying that carriages used in the 'ordinary course of business' are liable to the tax, rather than have my liability ascertained in each case by the far more costly and troublesome process of litigation. And it is better for municipalities also to know what it is that will make carriages liable to the tax within their respective jurisdictions. As I said before, I had taken it so much as a matter of course that the words would be taken to mean in section 131 what they are defined to mean in section 142, that the possibility of any opposition had not entered my mind. As to the ground of inconvenience and the ground of making a distinction between carts and carriages, such grounds have no sort of reference to the necessity that exists of defining words. If twice a week be not thought enough in the case of carriages, make it three times, and I will accept the change; but by all means define the expression. If you deliberately leave it undefined, you will open a door to all the difficulties and inconvenience, to all the harassment and uncertainty which the Hon'ble Member in charge of the Bill is so anxious to avoid."

The Motion was then put and carried in the following amended form:—

"8A. After section 141A, the following shall be inserted, namely:—

'141B. A carriage, horse or other animal shall be deemed to be used in the ordinary course of business within the meaning of section 131, if it is used on business on an average thrice a week.'"

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR moved that the following be inserted at the end of section 8 of the Bill to form an addition to the clause, which it has been decided to add to section 147A of the Act:—

'Provided that the municipality or cantonment within which any cart is kept, shall have the right to levy the fee in preference to any other municipality or contonment.'

He said:—"After the amendment which has just been passed, I do not know whether this amendment will not appear to be still necessary: that I shall leave the Council to determine. The object of this amendment is simply to remove a difficulty which has long been felt."

The Hon'ble MR. RISLEY said:—"I am willing to accept the amendment with the omission of the words 'or cantonment.'"

The Motion was put and carried in the following amended form:—

'Where a cart is registered under this Act in more than one municipality, the Commissioners of the municipality within which the cart is kept shall have a right to levy the registration fee in preference to the Commissioners of any other municipality.'

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR also moved that after section 9 of the Bill, the following be inserted:—

"9A. In section 238, sub-section (1), the words 'or without waiting for the orders of the Commissioners for six weeks from the date of his giving notice in writing under section 237,' shall be inserted after the words 'as aforesaid.'"

He said:—"It appears to me that there is a clear flaw in section 238. Section 237 provides what a person is to do when he asks for permission to build or to rebuild a house; he has to make an application and to supply plans and give certain other information. Then, under section 238, should any person commence to erect or re-erect any house not being a hut, the Commissioners may require the building to be altered or demolished as may be necessary. It sometimes happens that after a party has made an application and furnished the Commissioners with plans, &c., he proceeds with the work without waiting for sanction. In such a case the Commissioners have no authority to demolish the building or to do anything in the matter. The law provides that when a person commences to build without giving notice to the Commissioners, or without submitting the necessary plans, &c., they can demolish the building or cause it to be altered. But suppose that after making the application and supplying plans, &c., the party commences to build, and goes on building, without waiting for the six weeks prescribed by the law, the Commissioners have no authority either to demolish the building or to impose any penalty. I find that in the Calcutta Act, section 241, a penalty is provided for commencing to build without submitting an application or before the expiration of the time prescribed for the Commissioners to give or to withhold their sanction; that is to say,

the Commissioners can demolish or alter the building as they may think fit. But under section 238 of the Bengal Municipal Act, there is no authority for the Commissioners to interfere in any way whatsoever. I understand that this question has actually been raised in the Municipality of Howrah, and such cases are possible elsewhere, and therefore unless some such amendment as I propose is accepted, there will be no remedy whatever against commencing to build before the grant of sanction. The intention of the law evidently is to impose a penalty in the same way as in the case where a plan is not submitted."

The Motion was put and agreed to.

The Hon'ble MR. WALLIS moved that clause 1 (*a*) in section 10 of the Bill be omitted.

He said:—"That section reads as follows:—

'With the sanction of the Local Government, the amount of water-rate imposed under this section may vary with the distance of houses or lands from the nearest stand-pipe or other source of water-supply, and the amount may be higher in the case of premises to which communication pipes are attached than in the case of other premises.'

"I have ventured to bring this amendment forward, as it seemed to me to be one of the most important additions which had been made in the Bill by the Select Committee since it was first introduced into Council, and I think I am not mistaken in saying that Mufassal Municipalities, Commissioners of Divisions, and Public Associations have not had an opportunity of stating their opinions on this important addition. The new sections ought to introduce several varying rates which I fear would lead to considerable difficulty and danger to the success of any scheme of water-supply which might be put forward. It would be admitted that the health of the inhabitants of a town depended very largely on the sources of water-supply, and recent events had shown very conclusively that this all-important question of pure water-supply was one which must be taken strongly in hand. This being so, it would be undesirable to introduce into the Act any clause which was likely to weaken the hands of those who had to bring forward such schemes, and he feared the proposal to vary the rates more than was provided in the Act would tend to have this undesirable effect. The new clause, taken as it must be in conjunction with section 279 of the Act, referred only to houses and lands within the town, and

[*Mr. Wallis.*]

not to the outside radius, the limits of which were to be fixed by the Local Government under proviso (*a*). Section 279 of the Act reads as follows:—

'In any municipality to which the provisions of this Part shall be extended in the manner provided in section 222, it shall be lawful for the Commissioners at a meeting to impose a water-rate not exceeding 7½ per cent. on the annual value of holdings when the houses and lands are situated in any road supplied with water, and not exceeding 6 per cent. when the houses and lands are situated in any road not so supplied.'

"Here were two rates, but the new clause introduces two more varying rates: I may say several more varying rates; for it first provides that houses which are situate beyond certain distances from a stand-pipe or source of supply should pay another rate, and further that the rate shall be higher in the case of premises in which communication pipes are laid than in the case of other houses. To illustrate my meaning we will suppose water-pipes are laid in Dalhousie Square, North. The section provides that all the houses in that street should pay not more than 7½ per cent. We will take it that pipes are not laid in Dalhousie Square, South: there the residents would have to pay a rate not exceeding 6 per cent.; then in Esplanade Row, where also pipes are not laid, the rate might be 5 per cent; in Lindsay Street, which is further off, 4 per cent., and in Park Street, which is furthest, 3 per cent. These differential rates will, I fear, cause great difficulties and will hamper the introduction of schemes for pure water-supplies. Before Municipalities could formulate any scheme for the introduction of water-supply, it would be necessary for them to be in a position to estimate to some degree the returns they are likely to receive from the outlay which they may incur, but if those living in roads where the water is laid down can decline to have their houses connected with the main, and then claim a reduction in rates, this would be next to impossible. It seems to me that the proposals set forth in the new section are contradictory to the existing law, which provides that houses situated in roads where the pipes are laid down shall pay the maximum rate. If the Municipal Commissioners in any town consider that the requirements of a pure water-supply exist, and the Local Government agree, the scheme should be carried through, and all residents made to pay a fair share of the tax. Under the Calcutta Act all the inhabitants are called upon to pay the same rate of water-tax, and those who live in third stories of houses have not only to pay the water-rate, but have also to employ bhisties to carry the water for domestic purposes. I have

not referred to the provisos to section 279, which will be found in the existing law. Proviso (*a*) provides that water-rate shall not be levied on any house or land which is within the radius to be fixed by the Local Government, and the latter portion of proviso (*b*) gives the Commissioners power to make special arrangements consistent with the Act with persons living beyond the radius. Therefore, I submit that all residing within a town, where it has been considered necessary to introduce a scheme for the supply of pure water, should be called upon to pay their fair share towards the cost. In Calcutta we are all content to pay the water-rate, although some of us do not get the water without incurring additional expense, still we are all willing to pay our share for the benefit we get in an indirect way by the supply of pure water to the town. I hope I have succeeded in showing that it will not be desirable to vary the rates to be paid more than is provided for in the existing Act."

The Hon'ble MR. RISLEY said:—"I agree with the Hon'ble Mover of this amendment in considering this section of the Bill an important one, and that it was unfortunate that all municipalities were not consulted about it. It is a section which was introduced at a late stage on a representation made by the Chairman of an important municipality while the Bill was in Select Committee. As regards the two rates in the existing section, it is not clear to me that they affect the question at all. Those are maximum rates, and whatever the section of the Bill provides must be subject to the provisions contained in the Act as to the maximum rates. It will probably be simplest to explain precisely how this section in the Bill came to be drawn up in order to enable a municipality, with the sanction of the Local Government, to impose differential water-rates varying with the distance of the houses and lands from the nearest hydrant, and also with the circumstance whether the house is connected with the water-supply or not; but, as I have said before, whatever rate may be fixed in any case must be subject to a maximum of $7\frac{1}{2}$ or 6 per cent., as the case may be. The first impetus to the introduction of pure water in mufassal towns was given by the Chairman of the Bhagalpur Municipality, one of the most efficient Chairmen of Municipalities in Bengal—a man who has done more to advance Municipal Government in Bengal than anyone else, and it is to his exertions that the Bhagalpur water-works are mainly due. The Chairman of that Municipality, in a letter recently received, said:—

'* * In our municipality a rate of 3 per cent. is levied * * *'

[*Mr. Risley.*]

"In a subsequent letter, in support of the proposal to levy differential rates, he says, in regard to house-connections:—

'A system of that kind is in force in Mymensingh.'

"And I find that since 1891, from which time water-rates have been enforced in that municipality, the following rates have been introduced, namely, 4 per cent. on all holdings within 300 yards from the nearest hydrant, 3 per cent. on holdings over 300 yards, but within quarter of a mile from the nearest hydrant, and 7½ per cent. on holdings with house-connections. The rate is levied on the valuation of holdings.

"That is precisely the state of things which is contemplated by the section in the Bill, and the object of the section, which was unanimously agreed to by the Select Committee, is to legalise the state of things which already exists in Mymensingh, and to enable the Bhagalpur Commissioners to introduce similar arrangements in Bhagalpur for reasons which I have read to the Council in the Chairman's letter. It seems to me that the proposal is in the interests of both classes; in the interests of the poor, because, with a differential system in force, they will not have to pay at the rate calculated with reference to the allowance for house-connections. I understand that the granting of house-connections not only leads to a great waste of water—as everybody knows it does—but it also necessarily enhances the cost of maintaining the scheme of water-supply. And as it may be said with reference to a municipality starting a scheme of water-supply that a rate of 3 per cent. on the value of holdings will not enable you to give house-connections, though a rate of 5 per cent. would, I may fairly ask why should poor people pay a higher rate for water by reason of the necessity to allow richer people house-connections? Poor people cannot afford the cost of house-connections; therefore, to be equitable in a case of this kind, instead of imposing a rate of 5 per cent. all round, you may fairly provide for a rate of 3 per cent. on people who have not house-connections, and 6 per cent. on richer people who have house-connections; for, in that case, as the Chairman of the Bhagalpur Municipality has pointed out, they will be able to dispense with the employment of bhisties to carry the water from the municipal hydrants. It is to the interest of the rich, not only because they will be able to dispense with bhisties, but the fact of levying the higher rate will make all the difference to the municipality being able to grant house-connections. In that way it will be distinctly to the interest of both classes;

to the rich, because they will get what they want, and to the poor, because they will not be charged a rate which they cannot afford. There is, however, one object which I admit neither this amendment nor any other will effect, namely, the great waste of water caused by house-connections."

The Hon'ble BABU SURENDRANATH BANERJEE said:—"I am sorry I cannot support the motion which has been made by the Hon'ble Mr. Wallis. It will be seen that the provision in the Bill is entirely permissive. The Hon'ble Mover of the amendment has stated that the operation of the section will be attended with serious administrative inconvenience. I think that argument is met by the terms of the section, which says that, 'with the sanction of the Local Government, the amount of water-rate imposed under this section may vary with the distance of houses or lands from the nearest stand-post, &c.' Whether in any case there will be administrative inconvenience or not, the Municipal Commissioners will always be the best judges. If they find serious inconvenience, they will not make a recommendation to that effect; and even if they did, the Local Government would not accept the recommendation; therefore, as far as the Hon'ble Member's argument is based upon the question of administrative inconvenience, it is practically demolished by the permissive character of the section. Then the Hon'ble Member stated that the Commissioners will not be able to obtain a correct statement of the income to be derived from the water-rate by reason of the varying rates to be imposed. I confess I am not able to follow the Hon'ble Member in this line of argument. I presume the Commissioners would fix the varying rates according to distance; they would say that for houses and lands within a distance of 300 yards the rate would be so much, for houses within 600 yards so much, and 900 yards so much, and they can easily count the houses within those distances, and arrive at an approximately-correct estimate of the proceeds of the rate. My hon'ble friend has further observed that in Calcutta we have no varying rate. In this view of the matter he is mistaken; we have it in the suburbs, which are now included within Calcutta. There is one water-rate there, and a different rate in the town. For all these reasons I do not think the motion before the Council ought to be accepted. I entirely sympathise with the remark of the Hon'ble Member in charge of the Bill that the effect of this section in the Bill will be to make the law more elastic, and that municipalities will be in a better position to introduce water-supply

schemes and with less pressure upon the poorer classes, and it is because the section will have this effect that I have no hesitation in saying that it ought to commend itself to the acceptance of the Council."

The Hon'ble MR. GRIMLEY said:—"If I understand the matter correctly, the Hon'ble Mover of the amendment seemed to see some contradiction between the terms of the section in the Bill and the provisions of the existing Act. The provisions of section 279 (1) say that the rate shall not exceed 7½ per cent. in the case of people who reside in houses situate on streets in which water-pipes have been laid, and that it shall not be more than 6 per cent. in the case of people who live at a distance from such roads. That is the substantive law. But it does not say how the rate shall be regulated. The amendment in this Bill lays down a reasonable rule for measuring the differential rates, and says that the measure shall be by distance. What can be more reasonable? Where there are communication pipes, the rate is to vary directly with the distances of the houses from the main; the greater the distance the water has to be carried by the pipe, the greater the amount of payment. In other cases, where there is no communication pipe, the rate is to vary inversely, so that people who live at a distance and have to carry their water a long way, will have to pay less than those who live close to a hydrant. That, I think, is a very reasonable rule. The section in the Bill merely provides this rule for measuring the differential rates, and therefore I can see nothing inconsistent in the Bill with the Act itself. With this explanation, the Hon'ble Member will, I hope, be able to withdraw his motion."

The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR said:—"The difficulty which the Hon'ble Mover of the amendment feels seems to be that under this new section the Municipal Commissioners will be able to levy water-rate from persons who are beyond reach under the existing law. I think all difficulty in this direction will vanish if the new section were to be read along with section 279; the new section must not be read alone by itself. The Act lays down the maximum and minimum rates of 7½ and 6 per cent., with reference, respectively, to houses situated in streets which have been piped and which have not been piped; but the Act does not lay down how the rates are to be worked out with reference to the area and how they are to be distri-

[*Maulvi Muhammad Yusuf Khan Bahadur; Rai Eshan Chundra Mittra Bahadur; Mr. Wallis.*]

buted over the area. The new section lays down such rules, and shews how the rates are to be worked out and distributed. The new section has no independent action and operation: its operation is subject to section 279, and is confined to the case which comes under section 279; so that where section 279 has no operation, the new section has none. If my hon'ble friend apprehends that whereas under the existing law all who live in the street where the pipes are laid pay the maximum rate, whether they have got the connection or not, the amendment provides that those who have no connection shall pay less, although living in the same street then I say that this apprehension also is not justified from a correct and careful reading of the new section."

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR said:—"I welcome this section as a great improvement upon the provision in the existing law. Although I did not succeed in introducing a scheme of water-supply into the Hooghly Municipality, I have had some experience in connection with water-supply schemes, and I say that the great obstacle is that the provisions of the Act are not sufficiently elastic to enable a distinction to be made between the rich and the poor in the amount of rates to be paid by them respectively. Those who get the great advantage of house-connections ought certainly to pay a higher rate, and poor men who live at a distance from streets in which water-pipes have been laid should pay comparatively less. And unless the provision introduced by the Select Committee is passed, I can assure the Council that it will not be possible to introduce water-works into municipalities generally. It is injudicious to impose one uniform rate on the rich and the poor: we must make a distinction."

The Hon'ble MR. WALLIS in reply said:—"I regret to find myself in the position of having moved an amendment which has met with no support from any of the Hon'ble Members who have spoken. My idea is that it having been once decided that it is necessary to introduce a scheme for the supply of pure water in a municipality, and the Local Government being of opinion that it should be done, the scheme which has been approved should be introduced, irrespective of the considerations which have been urged by the Hon'ble Member in charge of the Bill and other Hon'ble Members. The section of the Act, as it stands, provides for two rates of charge, and the proviso which

already exists is sufficient to enable the Municipal Commissioners, with the permission of the Local Government, to impose any rates which they may think fit with those residing at a distance from the source of supply. The argument on which I base my motion is that only two maxima rates should exist for those residing within the limits of the town, namely, 7½ per cent. in the case of houses and lands in streets in which water has been laid on, and 6 per cent. in the case of houses and lands not so situated, and that the fact of a person not choosing to have communication pipes introduced into his house should not entitle him to pay a lower rate than those whose houses have been so connected. However, as I find that my motion has not met with the approval of the Council, I ask leave to withdraw it."

The Motion was, by leave of the Council, withdrawn.

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR moved that after section 10 of the Bill, the following be inserted:—

"10A. After clause (*b*) of the first proviso to section 279, the following shall be inserted, namely:—

'or

(*c*) any garden without dwelling-houses or any holding consisting only of tanks.'"

He said:—"To speak of gardens without dwelling-houses may be looked upon by some as a contradiction in terms, but I have so worded the amendment in contradistinction to gardens which have houses within them. In the General Clauses Act [V (B.C.) of 1867] 'land' has been defined to include houses and buildings and hereditaments and tenements of any tenure unless there be words to exclude houses and buildings or to restrict the meaning to tenements of some particular tenure. So it is quite clear that tanks and gardens will come under the definition of 'land.' Now in section 279 of the Municipal Act, an exemption (*b*) has been made in favour of any land used exclusively for purposes of agriculture; and my amendment is for the exclusion of tanks and gardens which are exclusively used for purposes of horticulture. I submit that only such land ought to be charged with the water-rate which derive some benefit from the water-supply and the question for consideration is whether tanks and gardens can be in any way so benefited. An exemption has been made in the matter of latrines, the section imposing the latrine-tax being confined to buildings or dwelling-houses only where services are performed by the municipality. Therefore, this principle of exemption has

been recognised by law; that is to say, that when a particular property is not benefited by the service for which any particular rate is levied, that rate is not to be imposed upon that particular property. I ask whether tanks and gardens can be said to be benefited by the introduction of a water-supply scheme within a municipality. If you can levy a water-rate on tanks and gardens, you can as well levy latrine fees upon them. Again, vacant holdings are exempt from taxation. I submit, therefore, that taking the principle of rating to be that the property upon which a particular rate is to be imposed is to be benefited, tanks and gardens cannot properly be called upon to pay a water-rate. And in the fitness of things, there is no reason why agricultural holdings should be excluded and horticultural holdings and tanks should be subjected to the water-rate. I therefore submit that the amendment which I now move should be accepted."

The Hon'ble THE PRESIDENT said:—"Gardens may be benefited by a water-supply, as they may be used for garden-parties and the like; but I agree with the Hon'ble Mover of the amendment that holdings consisting of tanks only should not be called upon to pay a water-rate."

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR said:—"I accept the suggestion made by the Hon'ble the President, and agree to confine my amendment to the exclusion of holdings consisting only of tanks."

The Hon'ble MR. RISLEY said:—"This is an amendment distinctly in favour of the richer classes and adverse to the interests of the poorer classes. It has in every case been difficult to get water-works introduced into municipalities, as they put a very severe strain upon their resources, and I think it is not fair to introduce behind the backs of municipalities any change in the law which will reduce their income without consulting them. I know on what narrow margins municipalities are working, as the municipal rates barely cover the expenses. It seems to me, in particular in regard to gardens, that water-rates should be imposed upon gardens, as the owners of gardens certainly derive a personal benefit from water-works. I have no special objection if the amendment is confined to tanks."

The Motion was then put and carried in the following amended form:—

That after section 10 of the Bill, the following be inserted:—

"10A. After clause (*b*) of the first proviso to section 279, the following shall be inserted, namely :—

'or

(*c*) any holding consisting only of tanks.'"

The Hon'ble MR. A. M. BOSE moved that before section 11 of the Bill, the following be inserted :—

"10B. In section 321, after the words 'dwelling-houses,' the words 'or privies' shall be inserted."

He said :—"Section 321 provides for the levy of fees for cleansing latrines in holdings consisting of dwelling-houses. The history of this section is curious. In the Act as it originally stood, a latrine-tax could be imposed on *all* holdings; then at the last revision of the Act, the imposition of the tax was restricted to holdings containing dwelling-houses. This in some measure represented the swing of the pendulum to the opposite extreme. My amendment is to add the words 'or privies,' that is to say, to make all holdings containing dwelling-houses or privies subject to the tax. To give a concrete example: There is within a neighbouring municipality a large piece of open ground enclosed within masonry walls and containing no dwelling-houses, the land being used twice a week regularly for the purpose of holding a large cattle market. On those days from 8 or 9 o'clock in the morning until evening, there are hundreds of people within that land. There is a privy on that land, but the land cannot be taxed because it does not contain any dwelling-house, though the necessity for proper latrine arrangements is manifest on the face of it. Take the case of a holding which contains only privies used by people living in the neighbourhood; the necessity for latrine service and for taxing the land may be far greater than in the case of a latrine in a dwelling-house, yet it cannot be touched under the present law. I think, therefore, that the omission which my amendment is intended to supply must have been due to oversight. This will be made still more clear by a reference to section 332, which shows that the Legislature intended that there should be latrines constructed not only where there are dwelling-houses but on lands as well; therefore the Act itself recognises the fact that not only holdings containing houses but lands also require latrine services. This is an amendment which will add to the income of municipalities, and very properly so where services are required."

The Motion was put and agreed to.

[*Rai Eshan Chundra Mittra Bahadur; Mr. Risley; Mr. Bose.*]

The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR, by leave of the Council, withdrew the Motion of which he had given notice that after section 13 of the Bill the following be inserted:—

"14. In the fifth Schedule to the said Bengal Municipal Act 1884, the following shall be inserted after the words and figures:—

	Rs.
'For every camel	2'

namely:—

'For every dog	1'"

The Hon'ble MR. RISLEY moved that after sub-section (3) of section 8 of the Bill, the following be inserted:—

"(4) The words 'or Cantonment' in sections 141A and 147A are hereby repealed."

The Motion was put and agreed to.

The Hon'ble MR. RISLEY also moved that section 5A of the Bill be numbered 6, and that all necessary changes be made in the numbering of the remaining sections, and in the reference thereto in section 2 of the Bill.

The Motion was put and agreed to.

The Hon'ble MR. RISLEY also moved that in clause (*i*) of the new section 69B, which it is proposed to insert in the Act, "(*xi*)" be substituted for "(*x*)."

The Motion was put and agreed to.

The Hon'ble MR. RISLEY also moved that in sub-section (2) of section 16 of the Bill, the words "in the first place in which that word occurs" be inserted after the word "amount."

The Motion was put and agreed to.

The Hon'ble MR. RISLEY also moved that the Bill, as settled in Council, be passed.

The Hon'ble MR. A. M. BOSE said:—"I am extremely sorry to have to oppose this motion. The reason for my opposing it is this: that as a matter of general convenience, it is desirable that when there have been amendments

made in a Bill in its passage through the Council, the Bill, with the amendments, should be printed and circulated, so that in case there are verbal alterations to be made, numberings to be corrected or any obvious imperfection, oversight, or inconsistency to be remedied, this may be done, and Hon'ble Members may have an opportunity of finally considering the language and mutual bearing of the various sections of the Bill. I submit that as a matter of principle this is a desirable procedure to follow. We have been reminded this very session of examples in the past of inconvenience caused by this procedure not having been adopted. But apart from that, in this particular case there are strong and special reasons why the Bill should not be passed at this sitting of the Council. Several of the amendments have been further amended and settled at the table, and in the case of some of them we have not been able to follow the wording as thus settled. Even this very day we have had some amendments, and especially the amendment passed at the instance of the Hon'ble Mr. Risley in the place of that moved by the Hon'ble Rai Eshan Chundra Mittra Bahadur in section 8 of the Bill, the language of which it was not possible to follow; and other amendments were moved and passed without any notice, the language of which had not been before the Members at all. Then, again, there have been two amendments made in section 147A, one of which was passed at the last meeting of the Council on my motion, and another to-day on the motion of the Hon'ble Member in charge of the Bill, and it would have to be seen how these amendments are placed; because if my amendment is placed second, it will be necessary to make an alteration in the language. Then, again, there is a matter specially reserved for consideration from the last meeting which would also require consideration."

The Hon'ble THE PRESIDENT said:—"The Assistant Secretary has gone through all the amendments carefully, and the amendments which have been moved by the Hon'ble Mr. Risley to-day are the outcome of the careful examination of the Bill which Mr. Wigley has made. There seems, therefore, to be no necessity for postponing the passing of the Bill."

The Hon'ble MR. A. M. BOSE said:—"I think that as a matter of principle the Members of this Council ought to have an opportunity of seeing the Bill after all the amendments have been included in it. The responsibility for the Bill is after all on them. Under Rule 44 of the Rules for the Conduct of

[*Mr. Bose ; the President.*]

Business, this is a matter which is not to be put to the Council, but when any Member objects to the motion which has just been made by the Hon'ble Member, the passing of the Bill stands over unless the President thinks the objection ought not to prevail."

The Hon'ble THE PRESIDENT said:—"I cannot say that your objection is wrong as a matter of principle, but considering the season of the year, and that we all have our own avocations to pursue, I do not think I can adjourn the motion for the passing of the Bill."

The Motion was then put and agreed to.

The Council adjourned *sine die.*

F. G. WIGLEY,

CALCUTTA ; *Offg. Assistant Secretary to the Govt. of Bengal,*

The 18th September, 1896. *Legislative Department.*

Reg. No. 563d—300—18.9.96.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met at the Council Chamber on Saturday, the 19th December, 1896.

Present:

The Hon'ble SIR ALEXANDER MACKENZIE, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.
The Hon'ble SIR CHARLES PAUL, K.C.I.E., *Advocate-General*.
The Hon'ble H. H. RISLEY, C.I.E.
The Hon'ble RAI DURGA GATI BANERJEA BAHADUR, C.I.E.
The Hon'ble NAWAB SYUD AMEER HOSSEIN, C.I.E.
The Hon'ble M. FINUCANE.
The Hon'ble C. W. BOLTON.
The Hon'ble W. H. GRIMLEY.
The Hon'ble J. G. H. GLASS, C.I.E.
The Hon'ble C. A. WILKINS.
The Hon'ble MAULVI MUHAMMAD YUSUF KHAN BAHADUR.
The Hon'ble SURENDRANATH BANERJEE.
The Hon'ble RAI ESHAN CHUNDRA MITTRA BAHADUR.
The Hon'ble GURU PROSHAD SEN.
The Hon'ble W. B. GLADSTONE.
The Hon'ble A. H. WALLIS.

NEW MEMBER.

The Hon'ble C. A. WILKINS took his seat in Council.

STATEMENT OF THE COURSE OF BUSINESS.

The Hon'ble THE PRESIDENT said:—"It may be convenient that I should say a few words regarding the work that will occupy the time of the Council. First on the list is a Bill to amend the Bengal Local Self-Government Act of 1885. Hon'ble Members will remember that the Hon'ble MR. RISLEY mentioned at the last Session that it was not intended to proceed with the small measure which appears on the list of business, and you are all well

aware that a larger measure has been in circulation, and that many opinions have been received regarding it, and that correspondence with the Government of India is at present going on in connection with it. I am not in a position to say when we shall be able to bring that measure before the Council. It, together with a Bill to make better provision for the sanitation of certain villages in Bengal, will be carefully considered by the Government with reference to the opinions which have been received, and it is possible that some time in the course of the Session we shall be able to introduce a Bill and take the question up.

"The next is a Bill to amend the law relating to the Partition of Estates. We have received many valuable and important opinions, and I think it very probable, with reference to those opinions, that some material changes may be made in the provisions of this measure. It will have to be referred to a Select Committee, but possibly before so referring it we shall be in a position to state the direction of the changes which we are ready to accept in the provisions of the measure.

"The Bill to amend the Public Demands Recovery Act, 1895, has been referred to a Select Committee, and regarding it also a mass of opinions has been received, and I have no doubt that they will receive the careful attention of the Select Committee.

"These are the only measures now actually before the Council. With regard to projects of law, the first on the list is a measure for amending the Bengal Tenancy Act. Hon'ble Members may be quite sure that I have not undertaken an amendment of the Bengal Tenancy Act except under the pressure of absolute necessity. The Government of India and the Government of Bengal are, I am happy to say, in accord with regard to the provisions of this amending Bill, and it is at present before the Secretary of State. I am not therefore in a position to announce definitely the nature of the measure, but I feel very sanguine that when it is introduced it will command a very large amount of assent, not only from those interested in the Government work of settlement, but also from the landed interest and those concerned in the welfare of the Bengal raiyat.

"We hope to introduce very shortly a Bill to consolidate and amend the law in force in Bengal relating to the Excise Revenue. It has yet to be submitted to the Government of India for approval, but I have no doubt we

[*The President.*]

shall be able, before the close of the Session, to bring the Bill before the Council and the public.

"A small Bill to amend the Calcutta Municipal Consolidation Act, 1888, was referred back to the Corporation for opinion in July last, and has not yet come back to us. The main object of the Bill is to amend one of the Schedules to the license clauses of the Act, and to correct a slight ambiguity in some of the building regulations. It is perhaps not altogether to be regretted that the Corporation have not yet taken up the consideration of the draft Bill, because it is very probable that considerable amendments in the Act will have to be considered by the Government.

"A Bill to amend the Salt Laws in Bengal has been referred to the Government of India, and I hope very shortly to receive their assent to its introduction.

"The Secretary has also prepared a Bill for further shortening the language used in Acts of the Lieutenant-Governor of Bengal in Council, and for other purposes. As Hon'ble Members are aware, the General Clauses Act in Bengal is a very ancient measure, dating back to the year 1867, and is an extremely meagre enactment. The object of the new Bill is to enact once for all certain definitions and general clauses which are found to be necessary more or less frequently in the Acts of this Council. This Bill will supersede the Act of 1867. The Government of India have a similar Bill under consideration, and we propose to wait and see their Bill before introducing our own.

"Then there is a small Bill to enlarge the scope of the charitable trust created by the Will of the late Mrs. Sally Murray. The object and intention of that Bill will be explained to you shortly.

"We have also ready for introduction, or nearly ready for introduction, a Bill to regulate the enhancement of rents, the commutation of prædial conditions or services, and the registration and resumption of dependent taluks and tenures in parts of Chota Nagpur. For years past there have been agrarian disputes between landlords and tenants there in consequence of the excessive demands by the former of *beth-begari* or labour rents, and of *rakumats* or cesses, and of the refusal in some cases of the raiyats to render any services at all. The chief object of the Bill is to remove such causes of dispute by providing for the compulsory commutation of services into money-rents, whenever such a course may seem expedient to Government. The Bill also provides for the

registration of tenures and the resumption in accordance with local cr[illegible]n, of such tenures as are held conditionally on the survival of male heirs of the original grantee. When this Bill is passed, it is proposed to extend the Bengal Tenancy Act, with certain modifications, to Chota Nagpur. We are fortunate in having with us the Hon'ble Mr. Grimley, who, as Commissioner of Nagpur for many years, is thoroughly acquainted with local conditions, and who will be able to take charge of the measure with an authority that none of the rest of us can pretend to.

"Then there may be a Bill for the suppression of rain-gambling in Calcutta. Opinions differ as to the expediency or possibility of legislating in this direction, and I have yet to submit my views to the Government of India. I have therefore caused a Bill to be drafted on lines which it is hoped will avoid many of the objections taken to legislation of that description. There is a strong body of opinion in Calcutta in favour of such legislation, for which we have an example in Bombay. I have yet to lay the Bill before the Government of India, but I am not without hope that the Bill, if introduced, will be found open to very little objection."

The Hon'ble MR. RISLEY said:—"The Council will remember that at the Meeting of the 1st August last, the following questions were asked by the Hon'ble Babu Guru Proshad Sen:—

Question No. 111.

'Whether or not the District Board of Saran have, by a supplementary budget for the year 1895-96, sanctioned an expenditure of Rs. 36,068 for the purchase of that portion of the lands of Sonepur, in district Saran, which is yearly occupied, according to a letter of the Commissioner of the Patna Division, dated 1st December, 1894, published in the newspapers, "by the camps of the native gentry and European visitors" during the annual fair at Sonepur, and with respect to which the Hon'ble Mr. Risley, in his letter to the Commissioner, dated 16th July, 1895, also published in the newspapers, said "considering the immense demands on the funds of a District Board for roads, schools, hospitals, drainage, water-supply, &c., the Lieutenant-Governor hesitates to sanction such an expenditure on an object which is not of pressing importance, and which is mostly for the use of European visitors, and which benefits them only for a fortnight in each year"?

[*Mr. Risley.*]

'Whether the sanction of the District Board was not only provisional and subject, under Rule 40, Part IX of the rules passed by Government under section 138 of Act III of 1885 (B.C.), to the confirmation and approval of the Local Government, and whether the Local Government did confirm and approve of the provisional sanction of the District Board for this expenditure?'

Question No. IV.

'Whether, on account of this expenditure, necessary expenditure on roads previously sanctioned has not been curtailed? And whether, on this account, the metalling and repairs of an important road from Siwan to Gopalganj sub-division could not be undertaken during the year?'

Question No. V.

'Whether under clause 3, section 100, head Miscellaneous, under which District Boards are empowered "to hold within their district from time to time fairs and exhibitions of cattle, &c., and incur expenditure with the approval of the Commissioner," apply to acquisition of lands, as the Hon'ble Mr. Risley, in his letter quoted above, says "mostly for the use of the European visitors and which benefits them for a fortnight in each year" in such an old and well-established fair as the one held at Sonepur?'

Question No. VI.

'The letter of Mr. Forbes, Commissioner of the division, referred to above, states:—"The desirability of the retention of the site in question in the hands of the District Board is set forth in the accompanying copy of a note on the subject by yourself when Magistrate-Collector of the district of Saran, with which I need scarcely say that I entirely agree." Was this note drawn up after the sanction of the District Board was obtained, or before?'

Question No. VII.

'Whether or not a member of the District Board, at the meeting when this amount was sanctioned by the District Board provisionally under the rules, did propose an amendment to the effect that the expenditure on the purchase of the Sonepur lands be postponed until the District Board debts were paid off? Was this proposal also submitted to Government? Did the Government enquire whether there was such debts owing by the District Board?'

[*Mr. Risley.*]

"I said at the time that replies to the questions would be given hereafter when the result of certain enquiries was known. I have now the honour to reply as follows:—

Answer to Question No. III.

"It is not the case that Rs. 36,068 was provided in a supplementary budget for 1895-96 for the acquisition of certain land at Sonepur by the Saran District Board. Sums amounting to Rs. 24,870 were made available during 1896-97, and it was resolved that the balance necessary to make up the total expenditure of Rs. 32,243 should be provided during 1897-98. The quotation from my letter of the 16th July, 1895, is misleading, as it omits the closing sentence, which follows immediately on that quoted in the question, and is to the following effect:—'If, however, after deliberate reconsideration, the District Board persists in its proposal, and you support it, the Lieutenant-Governor will accord his sanction.' The District Board did reconsider the question, and their sanction, which, under the rules cited, is provisional, was, on the further representation of the District Board, supported by the Commissioner, confirmed by Sir Charles Elliott."

Answer to Question No. IV.

"No necessary expenditure on roads has been curtailed. The road believed to be referred to in the question is not of special importance, and the expenditure on it has not been affected by the acquisition of the land at Sonepur. The requisite improvements have for the most part been already carried out, and will be completed during the current year."

Answer to Question No. V.

"The District Board acted not only under section 100 (3) of the Act, but also under section 87, which empowers a District Board to provide for the proper sanitation of its district and to incur such expenses or undertake such liabilities as may be necessary in that behalf."

Answer to Question No. VI.

"The note in question was drawn up for the guidance of the District Board when the scheme was first brought forward."

Answer to Question No. VII.

"An amendment was proposed, but no one seconded it, and the original motion was carried unanimously. The District Board is not now in debt. The land acquired is outside of the race-course and its surroundings, and includes a large area always occupied by native gentlemen."

MEASURES OF FAMINE RELIEF.

The Hon'ble BABU GURU PROSHAD SEN asked—

What measures has the Government undertaken to relieve the severe distress that is already being caused to people by the extraordinary rise of prices of food-grains; and what further measures it proposes to undertake to afford relief during the months coming paddy (autumn) crops having failed, and the prospect of the winter (rabi), crops not being at all hopeful?

The Hon'ble MR. FINUCANE replied :—

"The measures taken as regards the Patna Division were described in Government Resolution, dated 10th December, which was published in a Supplementary Gazette of 11th December and circulated to all the newspapers.

"The further measures proposed to be taken wherever distress may arise or is likely are those prescribed in the Famine Code, such as are indicated in the Resolution referred to.

"Relief works will be opened wherever necessary for those who can work, the wages to be given being sufficient to provide money for the purchase of food. Charitable relief will be given gratuitously to those who cannot work and have no friends to support them. Government does not intend itself to import grain, and looks to private trade to supply local deficits of food-grain."

PROPOSALS FOR EXCAVATION OF TANKS AND DIGGING OF WELLS.

The Hon'ble BABU GURU PROSHAD SEN asked—

Whether in suspension of some of the less necessary Public Works, specially some of those for which extraordinary grants were made in the last budget and the postponement of all other works not absolutely necessary during

the coming year, it would not be well, if all available amount of money from the Provincial Public Works Cess Fund were to be spent in repairing and excavating tanks in Bengal and in digging wells in Bihar through the panchaits and other respectable village agencies under the supervision of a Government Circle Overseer?

The Hon'ble MR. GLASS replied:—

"Such Public Works as it has been found possible to discontinue without causing inconvenience to the general public or pecuniary loss to Government have been postponed. The Government has already pressed upon District Boards the importance of the measures referred to by the Hon'ble Member for improving water-supply, and will itself, in drawing up schemes of relief works see that due attention is paid to this form of work. Government is not prepared to disorganise the whole Public Works Administration of the Province in the manner suggested in the question. Landowners and others who desire to excavate or re-excavate tanks as village improvements can obtain advances for this by applying to the Collector."

SYSTEM OF PAYMENT OF WAGES IN FOOD-GRAINS.

The Hon'ble BABU GURU PROSHAD SEN asked—

Whether in the relief works undertaken, or about to be undertaken, Government will be pleased to introduce a system of payment of wages in food-grains?

The Hon'ble MR. FINUCANE replied:—

"In accordance with the provisions of section 106 of the Famine Code, payment of wages on relief works will ordinarily be made in cash. In exceptional cases when grain cannot be bought in the local markets, payment may be made in kind. The cash wage will, under sections 98 to 105 of the Code, be so regulated as to enable the labourers to purchase sufficient food to maintain them in health and strength. Under section 80 of the Code it is the duty of officers in charge of relief works to see that shop-keepers for sale of grain are provided on or near such works."

ENQUIRY AS TO DESTITUTE PURDAH WOMEN AND POOR RESPECTABLE MEN.

The Hon'ble BABU GURU PROSHAD SEN asked—

Will an enquiry be ordered through the village panchait and municipalities of the number of those destitute *purdah* women and poor men of respectable classes, who, under no condition, resort to the relief works?

The Hon'ble MR. FINUCANE replied:—

"Such enquiries as are indicated in this question have been ordered in Bihar and will be undertaken in other parts of the Province, according as the necessity for them may arise."

FAMINE ALLOWANCE TO MENIAL SERVANTS.

The Hon'ble BABU GURU PROSHAD SEN asked—

Whether in view of the extraordinary rise of prices, Government will be pleased to make rules for the grant of a famine allowance during the next few months to all its servants on receipt of salaries from 15 rupees per month and downwards?

The Hon'ble MR. RISLEY replied:—

"The orders already passed on the subject of compensation for dearness of provisions are laid upon the table. The Lieutenant-Governor has since extended them to police constables, jail warders, and ministerial officers drawing not more than Rs. 12 a month, but he sees at present no necessity for including Government servants whose pay exceeds that sum."

No. 4019F., dated Calcutta, the 28th July 1896.

From—B. FOLEY, Esq., Under-Secy. to the Govt. of Bengal, Financial Dept.,

To—The Accountant-General, Bengal.

I AM directed to convey the Lieutenant-Governor's sanction to the grant, under Article 72 of the Civil Account Code, Volume I, of an increase of Re. 1 a month to the pay of all whole-time menial servants of Government (except process-serving peons attached to Civil Courts) drawing not more than Rs. 12 a month, who are permanently employed in the districts named in the margin, where the average price of common rice was dearer than 12

Dacca. | Noakhali.
Mymensingh. | Palamau.
Backergunge.

seers in the rupee during the quarter ending 30th June 1896. The allowance is sanctioned for three months with effect from the 1st April 1896.

These orders were subsequently extended to Faridpur, Tippera and Chittagong.

No. 5123F., dated Calcutta, the 26th October 1896.

From—H. H. RISLEY, ESQ., C.I.E., Secy. to the Govt. of Bengal, Financial Dept.,

To—The Accountant-General, Bengal.

I AM directed to convey the Lieutenant-Governor's sanction to the grant, under Article 72 of the Civil Account Code, Volume I, of an increase of Re. 1 a month to the pay of all whole-time menial servants of Government (except process-serving peons attached to Civil Courts) drawing not more than Rs. 12 a month, who are permanently employed in the districts named in the margin, where the average price of common rice was dearer than one rupee for 12 seers during the quarter ending the 30th September 1896. The Lieutenant-Governor also sanctions an increase of Re. 1-8 a month to the pay of such servants employed in the districts of Rangpur, Mymensingh, Backergunge and Tippera, where the average price of rice during the above-mentioned period was higher than ten seers the rupee.

Burdwan Division—
Hooghly.
Presidency Division—
24-Parganas, Calcutta, Nadia, Jessore, Khulna.
Rajshahi Division—
Rajshahi, Dinajpur, Darjeeling, Bogra.
Dacca Division—
Dacca, Faridpur.
Chittagong Division—
Noakhali, Chittagong.
Patna Division—
Muzaffarpur.
Bhagalpur Division—
Monghyr, Malda (English Bazar).
Chota Nagpur Division—
Hazaribagh, Palamau.

2. The above orders will have retrospective effect from 1st July 1896.

GUNSHOT MURDERS IN BACKERGUNGE AFTER DISARMAMENT.

The Hon'ble BABU GURU PROSHAD SEN asked—

Whether it is true that after the disarmament of the district of Backergunge, three or four gunshot murders have taken place in that district?

The Hon'ble MR. BOLTON replied :—

"Two murders by gunshot have been committed in Backergunge since the issue of the order withdrawing licenses for guns in that district."

[*Babu Surendranath Banerjee; Mr. Risley.*]

MUNICIPAL GRANTS TO SCHOOLS.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Whether the attention of the Government has been called to the following observations made in the Resolution of the Government of India on Municipal Administration published in the *Gazette of India* of the 31st October last:—

"The municipalities of the North-Western Provinces, Assam and Bengal are very backward in their contributions to the municipal schools."

What action does the Government propose to take in view of these remarks? Will the Government be pleased to direct Divisional Commissioners to encourage municipalities to make grants to municipal schools, or at any rate not to interfere with such grants when made by the municipalities?

The Hon'ble MR. RISLEY replied:—

"The recent amendment of the Bengal Municipal Act has removed the restriction imposed by Bengal Act III of 1884, on contributions by municipalities to the establishment and maintenance of schools, and education is now classed among the ordinary objects of municipal expenditure. The policy of Government in the matter for many years past has been to encourage municipalities to make adequate provision for primary education and Commissioners of Divisions will be instructed to bear this in mind in exercising their powers under section 76 of the Act. The Government does not approve of the expenditure of Municipal Funds on higher education while the conservancy and water-supply of any town is inadequately provided for."

HOUSE ACCOMMODATION, &c., TO RURAL SUB-REGISTRARS.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(*1*) Is it the case, as stated in the *East* of the 13th June last, that Rural Sub-Registrars, who are gazetted servants of the Government, are not allowed house accommodation for their offices nor any furniture or stationery for use, and that in consequence the Rural Sub-Registrar of Sandwip, when he was transferred to some other place, actually sold his house to a local pleader, his almirahs and stationery to other people, and that his successor had to hire

a hut in the *bazar* where valuable public documents had to be kept? Will the Government be pleased to remedy this state of things, which may be attended with serious public inconvenience and risk by providing Sub-Registrars with house accommodation and furniture and other equipments which they need for the performance of their public duties.

(*2*) Is it the case that Rural Sub-Registrars are required to meet from their own pockets the expenses of bi-monthly remittances to the treasury of fees which are Government money? Will the Government be pleased to consider the propriety of relieving Rural Sub-Registrars of bearing what obviously is a public charge, and directing that the money may be sent through the police or by postal money-order at the public expense.

(*3*) Will the Government be pleased to state the number of Rural Sub-Registrars employed in the province and how many of them were promoted to Special Sub-Registrarships within the last three years, 1893-94, 1894-95, and 1895-96? Will the Government consider the propriety of recognising the principle that deserving Rural Sub-Registrars should be promoted to the office of Special Sub-Registrars in preference to outsiders, and of devising some scheme such as to the Government may seem fit with a view to give effect to this principle.

The Hon'ble MR. BOLTON replied :—

"Under the conditions of their appointment, Rural Sub-Registrars are required to have a masonry house for their office, and to make their own arrangements for sending the fees received by them to the Treasury. They are responsible for the safe custody of Government money from receipt until deposit in the Treasury. They are supplied by the Government, at cost price, with registration ink and stationery, but are furnished with the requisite registers, index books and printed forms, and with machine-made paper for copies, free of charge. The appointments are sought for and taken on these conditions, which are well known, and the number of candidates is very large. The Government does not, therefore, consider it necessary to make any change. The Rural Sub-Registrars, though gazetted officers, are paid by fees only, and are not entitled to pension. They are rarely transferred, and then, except where their misconduct necessitates a transfer on public grounds, only in their own interests,—to an office with higher emoluments or in a place which they prefer

on account of the climate or for some other reason. When a transfer takes place, the District Registrar sometimes assists the Sub-Registrar in making an arrangement with his successor to take over his house and furniture.

"The Government has no information regarding the sale of his house and furniture by the Rural Sub-Registrar of Sandip, and no complaint has been received from his successor as to the difficulty of finding a house and procuring furniture. The case of Sandip is exceptional, good houses not being available in that island. At most places such houses exist, and no difficulty is experienced by Rural Sub-Registrars in securing suitable accommodation for their office.

"There are at present 352 Rural Sub-Registrars in Bengal. In the past three years five of these officers were appointed Special Sub-Registrars. It is a recognized principle of the Department to promote the best Rural Sub-Registrars to these salaried posts, but the Government reserves to itself the right of appointing to some of the vacancies gentlemen of education and good family who have special claims to consideration."

MODE OF ENQUIRY INTO COMPLAINTS AGAINST INDIGO PLANTERS, &c.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

(*a*) Whether the attention of the Government has been drawn to a statement which appeared in the *Amrita Bazar Patrika* that a complaint being made by one Dukhet Keori before the Deputy Magistrate of Muzaffarpur against the Tahsildar of an Indigo Factory, the said Deputy Magistrate summoned the Tahsildar, under section 352, Indian Penal Code, but added "the case is by a raiyat against an Indigo Factory Tahsildar; unless the District Magistrate direct otherwise, the case shall be sent to some Court on the date fixed"? Whether the matter having come before the District Magistrate that officer sent the case to the Manager of the factory concerned (the Shahpur Mircha Factory) "for favour of enquiry and report," and whether upon such report being received which was adverse to the complainant, the Deputy Magistrate dismissed the case on the ground that the complainant did not appear?

[*Babu Surendranath Banerjee.*]

(*b*) Whether the attention of the Government has been called to another case of a somewhat similar character in which the facts are set forth as follows: —

"Some raiyats of Misrowlea, Madhupur, district Saran, petitioned Mr. Wheeler on the 11th ultimo (July) that Mr. Macgregor, the Manager of Arrowal Indigo Factory, has widened the village road leading from his Indigo Factory from 9 to 36 feet, encroaching on their fields and cutting the produce thereon, and requested a personal enquiry on the part of the District Magistrate into their case. The petition, which was received by one of the Deputy Magistrates, was forwarded by him to the District Magistrate with a tacit recommendation that Mr. Garrett, the Joint-Magistrate under Mr. Wheeler, may be deputed to enquire."

Whether it is the case that the Magistrate referred the complaint to the Manager complained against for report, and subsequently on the receipt of the report rejected the petition of the complainants?

Whether it is true that these raiyats were prosecuted by the Local Board of Chapra for pulling off the *shesoo* trees planted by the said Local Board by trespassing into their fields?

Will the Government enquire whether it is the general practice followed by the District and Local Boards of Saran to plant trees, trespassing into the raiyats' fields against their consent, and record them in the Board's name in the cadastral survey?

(*c*) Whether these two cases and another case in which Mr. Konstam, then Subdivisional Officer of Hajipur, was concerned, to which I called the attention of the Government on the 25th August, 1894, by a question in this Council, point to the existence of any general practice followed by Magistrates in indigo districts in Bihar in regard to complaints instituted against Indigo Planters and their subordinates, the managers of factories or their assistants being called upon to report upon such complaints?

(*d*) Whether the Government approves of complaints made against Indigo Planters in Bihar and their subordinates being referred to such Indigo Planters for report? If not, will the Government be pleased to take such steps as to the Government may seem fit to put an end to a practice which must amount to a denial of justice to the raiyats who complain.

[*Mr. Bolton.*]

The Hon'ble Mr. Bolton replied :—

"The Lieutenant-Governor's attention was drawn to the cases referred to by the Hon'ble Member and due notice was taken of them.

"In regard to the first case the Hon'ble Mr. Ananda Mohan Bose asked a question towards the close of the last Session of the Council, the answer to which was subsequently communicated to him by letter, as follows :—

'The Government have received a report from the Commissioner of Patna on the case referred to. It appears that the Tahsildar against whom the complaint was made was not under Mr. Exshaw, who, though managing the factory for the local zamindar, has nothing to do with rent collection. The Manager of the Factory was not, therefore, personally interested in the case. The Lieutenant-Governor, however, considers that the Magistrate was wrong, under the circumstances of the case, apart from other possible minor irregularities, in making the reference to the Manager for enquiry and report, and, under orders which will be issued, such references will not be made in the future.'

"The orders mentioned at the end of the letter were issued to all Commissioners of Divisions, with the view of guarding against reference of complaints under section 202 of the Criminal Procedure Code for enquiry and report to any person who is in the remotest degree, directly or indirectly, connected with or likely to be interested in the case.

"Enquiry was also made in regard to the second case mentioned by the Hon'ble Member. It appears that the Local Board obtained summonses on the 11th July last against three raiyats for having uprooted sisu seedlings planted by the Board along the Arua Bishenpura Road. On the same day a petition was filed by the raiyats complaining that the Manager of the Arua Factory had widened the road by uprooting their crops. This petition was referred by the District Magistrate to the Manager for report, as member of the Local Board in charge of the road. Eventually the raiyats were convicted by the Bench Magistrates and fined, and their petition was rejected. The general orders which have been issued will apply to such cases.

"The Lieutenant-Governor has no reason to believe that encroachments are made on the raiyats' fields along the roads of the Saran district. The object of the cadastral survey is to ascertain rights and record them as they are found to exist."

[*Babu Surendranath Banerjee*; *Mr. Bolton.*]

ALLEGATIONS AGAINST MR. LISTER REGARDING THE WRITER-CONSTABLE OF CHATRA.

The Hon'ble BABU SURENDRANATH BANERJEE asked—

Whether the attention of the Government has been drawn to the proceedings of Mr. Lister, Joint-Magistrate of Serampore, as reported in the newspapers?

Is it the fact that Mr. Lister ordered a Writer-Constable attached to the Chatra out-post to be brought under arrest to his house, although the constable was not charged with any offence, nor had the Magistrate taken cognizance of any offence; whether in the Magistrate's house he was made to strike the ground with his forehead several times and to stand in a corner with his face turned towards the wall, and whether a whip was brought when his *juwab* or answer was taken; whether subsequent thereto he was sent under police custody and detained under such custody from the evening of the 20th August to 11 o'clock of the morning of the 22nd August?

Is it the case that on the 21st August the Writer-Constable applied for bail, and that the application was rejected by the Joint-Magistrate, although subsequently it appeared that he was being prosecuted for a bailable offence under section 29 of Act V of 1861, but that on the 22nd the Joint-Magistrate of his own motion released the Writer-Constable without any bail at all and without recording any reasons?

Whether, having regard to the fact that the sanction for the prosecution of the Writer-Constable under the Police Act was obtained on the 24th August, the arrest of the Writer-Constable, his detention in *hajat* and the other acts done by the Joint-Magistrate were not irregular and illegal?

Whether the Government approves of those proceedings; if not, will the Government be pleased to state what steps it has taken to mark its disapproval of such proceedings? Whether the Government will consider the propriety of not placing young officers in the position of Mr. Lister in charge of such an important subdivision as that of Serampore?

The Hon'ble MR. BOLTON replied:—

"The facts of the case referred to by the Hon'ble Member are these:—At about 1 o'clock on the 20th August last the Health Officer of Calcutta and

others arrived at Mr. Lister's office, and desired to see the death registers of the Konnagore and Chatra outposts for the purpose of obtaining information regarding the results of cholera inoculations carried out earlier in the year. Mr. Lister at once sent two peons for the registers. The man despatched to Konnagore, four miles distant, returned in due time with the register; but the other sent to Chatra, which is close to the Subdivisional Office, did not return, and a second peon was also sent, but without result. Dr. Simpson had, therefore, to leave Serampore in the evening without having seen the Chatra register. Mr. Lister called upon the Literate Constable of the outpost, who was in charge of the register, for an explanation, and he stated that he was ill with fever when the peon brought the order, and told the peon to come again. He also admitted that he was directed by the Head-Constable of the outpost to carry out the Subdivisional Officer's order, but being unwell, refused to give up the book at the time. The Head-Constable stated that the Literate Constable refused to comply with his or the Subdivisional Officer's order, that he did not complain of fever, but said that he felt uneasy, and that he told the peon to come afterwards for the register, and lay down. Mr. Lister sent for the Literate Constable. The latter was not brought under arrest, but was afterwards placed under arrest at the police-station, pending a reference to the District Superintendent of Police. He was not kept in the lock-up, and was, in fact, on parole at the station. No application for bail has been found, and bail was quite unnecessary. Mr. Lister's order amounted to confining the Constable to quarters, a form of punishment provided for in Act V of 1861, as amended by Act VIII of 1895. Beyond the man's statement there is no information as to what occurred when he came to Mr. Lister's house. Mr. Lister was suffering from fever at the time, and remained so seriously ill for several weeks afterwards that no question could be addressed to him regarding this case. He has since been compelled to proceed on leave to England.

"The Lieutenant-Governor considers that the Constable was guilty of grossly insubordinate conduct in not sending the register on receipt of the Subdivisional Officer's order, and his prosecution under section 29 of Act V of 1861 appears to have been justifiable. Mr. Lister was not authorised to pass an order confining him to quarters, that power being vested in the District Superintendent of Police.

"The Lieutenant-Governor obtained reports from the Commissioner and the Magistrate of Hooghly on this matter at the time, but having regard to the Constable's conduct and Mr. Lister's serious illness, necessitating his departure on leave, His Honour deemed it unnecessary to take further notice of the case.

"The reply to the last part of the Hon'ble Member's question is that the Government appoints to the charge of Subdivisions the most suitable officers available."

ESTATE'S PARTITION BILL.

The Hon'ble Mr. Finucane stated that he would postpone to the next meeting of Council his motion that the Bill to amend the law relating to the Partition of Estates be referred to a Select Committee.

PUBLIC DEMANDS RECOVERY ACT, 1895, AMENDMENT BILL.

The Hon'ble Mr. Finucane moved that the Hon'ble Mr. Wilkins be added to the Select Committee on the Bill to amend the Public Demands Recovery Act, 1895, in place of Mr. Pratt, *resigned*.

The Motion was put and agreed to.

MURRAY TRUST BILL.

The Hon'ble MR. FINUCANE also moved for leave to introduce a Bill to enlarge the scope of the Charitable Trust created by the Will of the late Mrs. Sally Murray. He said:—

"The lady died more than fifty years ago in Calcutta, having by her Will devised the residue of her property, after payment of certain legacies, to the Wardens of St. John's Church for the purpose of obtaining the release from custody of deserving persons who may have been imprisoned for debt. This Fund came into the hands of the Wardens of St. John's Church in the year 1861, and was for some years duly applied to the purposes intended by the testatrix. But in the year 1888 the Debtors' Act was passed, and the effect of that Act was to make it extremely unlikely, if not practically impossible, that any person of the class contemplated by the testatrix should be in jail for debt, inasmuch as under that Act nobody is imprisoned for debt, except in cases of contumacy or bad faith.

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